



Cleveland Board of Zoning Appeals

Monday October 16, 2023 at 9:30 AM

****PLEASE MUTE YOUR MICROPHONE****

Kelley Britt, Board Chair

Elizabeth Kukla, Secretary

Cleveland Board of Zoning Appeals

October 16, 2023

Preamble

IN COMPLIANCE WITH NOTIFICATION REQUIREMENTS OF THE CITY'S OPEN MEETING LAW, AND SECTION 101.021 OF THE CODIFIED ORDINANCES OF CLEVELAND, OHIO, 1976, NOTICE OF THIS MEETING HAS BEEN PUBLICLY POSTED.

ALL BOARDS AND COMMISSIONS UNDER THE PURVIEW OF THE CITY PLANNING DEPARTMENT CONDUCTS ITS MEETINGS ACCORDING TO ROBERT'S RULES OF ORDER. ACTIONS DURING THE MEETING WILL BE TAKEN BY VOICE VOTE. ABSTENTIONS FROM ANY VOTE DUE TO A CONFLICT OF INTEREST SHOULD BE STATED FOR THE RECORD PRIOR TO THE TAKING OF ANY VOTE.

IN ORDER TO ENSURE THAT EVERYONE PARTICIPATING IN THE MEETING HAVE THE OPPORTUNITY TO BE HEARD, WE ASK THAT YOU USE THE RAISE HAND FEATURE BEFORE ASKING A QUESTION OR MAKING A COMMENT. THE RAISE HAND FEATURE CAN BE FOUND IN THE PARTICIPANTS PANEL ON THE DESKTOP AND MOBILE VERSION AND ACTIVATED BY CLICKING THE HAND ICON. PLEASE WAIT FOR THE CHAIR OR FACILITATOR TO RECOGNIZE YOU AND BE SURE TO SELECT UNMUTE AND ANNOUNCE YOURSELF BEFORE YOU SPEAK.

WHEN FINISHED SPEAKING, PLEASE LOWER YOUR HAND BY CLICKING ON THE RAISE HAND ICON AGAIN AND MUTE YOUR MICROPHONE.

WE WILL ALSO BE UTILIZING THE CHAT FEATURE TO COMMUNICATE WITH PARTICIPANTS. THE CHAT FEATURE CAN BE ACTIVATED BY CLICKING THE CHAT BUTTON LOCATED ON THE BOTTOM OF THE WEBEX SCREEN.

CALL-IN USERS CAN UNMUTE BY USING *6

Participants (3)

Search

Raise Hand

Mute/Unmute

City Planning Me

John Smith Host

Mike Public

Mute

Stop video

Share

Record

Participants

Chat

Participants Panel

Chat Panel

Cleveland Board of Zoning Appeals

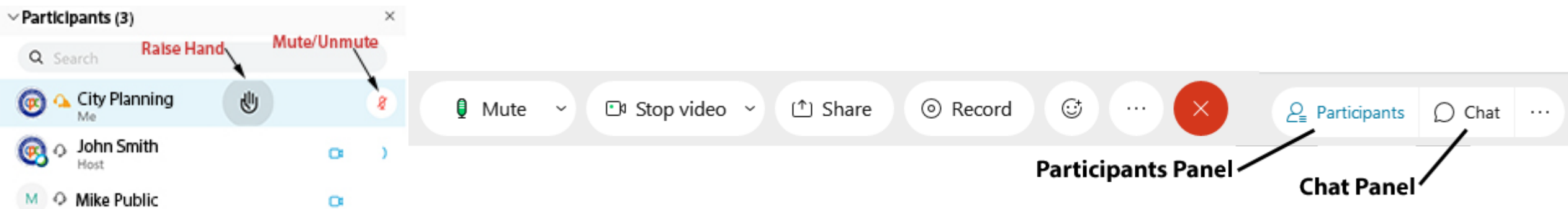
October 16, 2023

Preamble

**ALL MEETING ACTIVITY IS BEING RECORDED VIA THE WEBEX PLATFORM.
THESE PROCEEDINGS ARE ALSO BEING LIVE STREAMED VIA YOUTUBE FOR PUBLIC
VIEW.
WE HAVE PROVIDED A LINK TO THE MEETING FOR THOSE WHO WISH TO SPEAK ON A
PARTICULAR CASE VIA OUR WEBSITE AND EMAIL.**

ALL REQUESTS TO SPEAK ON A PARTICULAR MATTER HAVE BEEN CONSIDERED.

**WE HAVE ALSO RECEIVED EMAILS FROM THOSE WHO HAVE PROVIDED WRITTEN
COMMENT ON A PARTICULAR MATTER.**



Cleveland Board of Zoning Appeals

Call to Order & Roll Call



Cleveland Board of Zoning Appeals

Postponements/Withdrawals





NONE TODAY

Cleveland Board of Zoning Appeals

Public Hearing



Public Hearing

Calendar No. 23-166:

3617 E. 103rd St.

Ward 6



Mario Hosea, owner, proposes to change use of single-family residence to Residential Care Facility for up to 5 people in an A1 One-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

Section 337.02 (h) which states that a residential facility for one (1) to five (5) unrelated persons is permitted if it is located not less than one thousand (1,000) feet from another residential facility. Residential facilities shall comply with area, height, yard and architectural compatibility requirements of this Zoning Code applicable to residences in One-Family Districts. (Ord. No. 586-16. Passed 7-13-16, eff. 7-17-16) Existing "Destiny Fulfilled Adult Living" 10002 Benham Ave Cleveland is less than 1,000 feet away.



Public Hearing

Calendar No. 23-166:

3617 E. 103rd St.

Ward 6



SWEARING IN ALL WHO ARE PRESENT FOR THIS CASE:

DO YOU SWEAR OR AFFIRM THAT THE TESTIMONY YOU ARE ABOUT TO GIVE
IS THE WHOLE TRUTH AND NOTHING BUT THE TRUTH?

Please Raise Your Hand.
Reply with I DO, YOUR NAME and YOUR ADDRESS.



HISTORY OF THE PROPERTY





LEGAL STANDARD

Madam Chair, Members of the Board, Appellant is requesting a use variance and an area variance from the minimum distance requirements of the zoning code.

To obtain the use variance, Appellant must prove that denying the request:

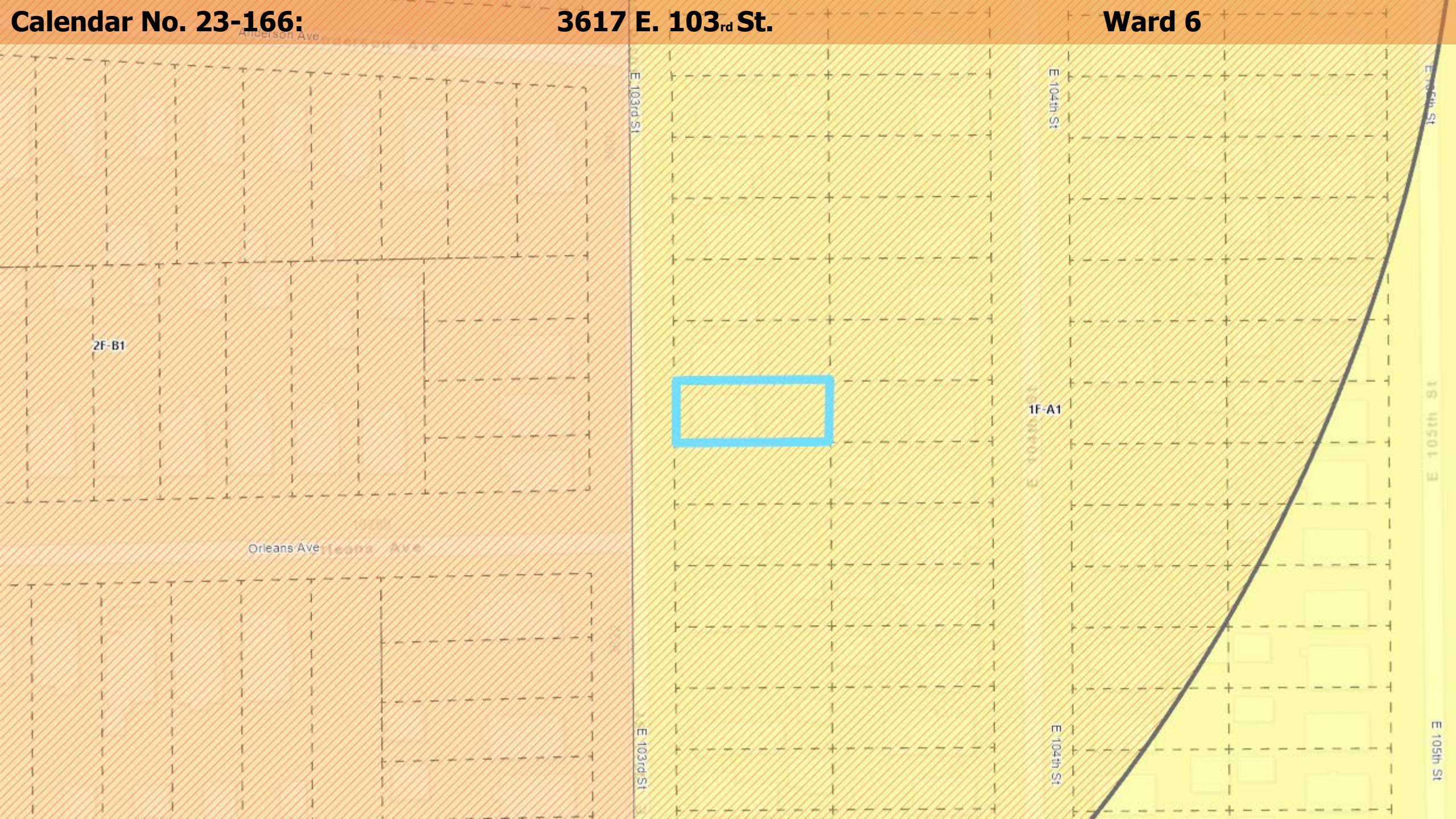
1. Will result in an **unnecessary hardship** particular to the property such that there will be no economically feasible use of the property without the variance;
2. Will deprive the Appellant of substantial property rights; and
3. That granting the variance will not be contrary to the purpose and intent of the zoning code.

To obtain the area variance, Appellant must prove that denying the request:

1. Will create a **practical difficulty** not generally shared by other land or buildings in the same district;
2. Will deprive the Appellant of substantial property rights; and
3. That granting the variance will not be contrary to the purpose and intent of the zoning code.







BZA 23-166



DATE	DOCUMENT ID	DESCRIPTION	FILING	EXPED	PENALTY	CERT	COPY
04/07/2022	202209705394	SUBSEQUENT AGENT APPOINTMENT (LSA)	25.00			0	

Receipt

This is not a bill. Please do not remit payment.



MARIO D HOSEA
12709 WATTERSON AVE
CLEVELAND, OH, 44105

STATE OF OHIO CERTIFICATE

Ohio Secretary of State, Frank LaRose
3983259

It is hereby certified that the Secretary of State of Ohio has custody of the business records for

JUMP.ORG LLC

and, that said business records show the filing and recording of:

Document(s)

SUBSEQUENT AGENT APPOINTMENT

Effective Date: 04/07/2022

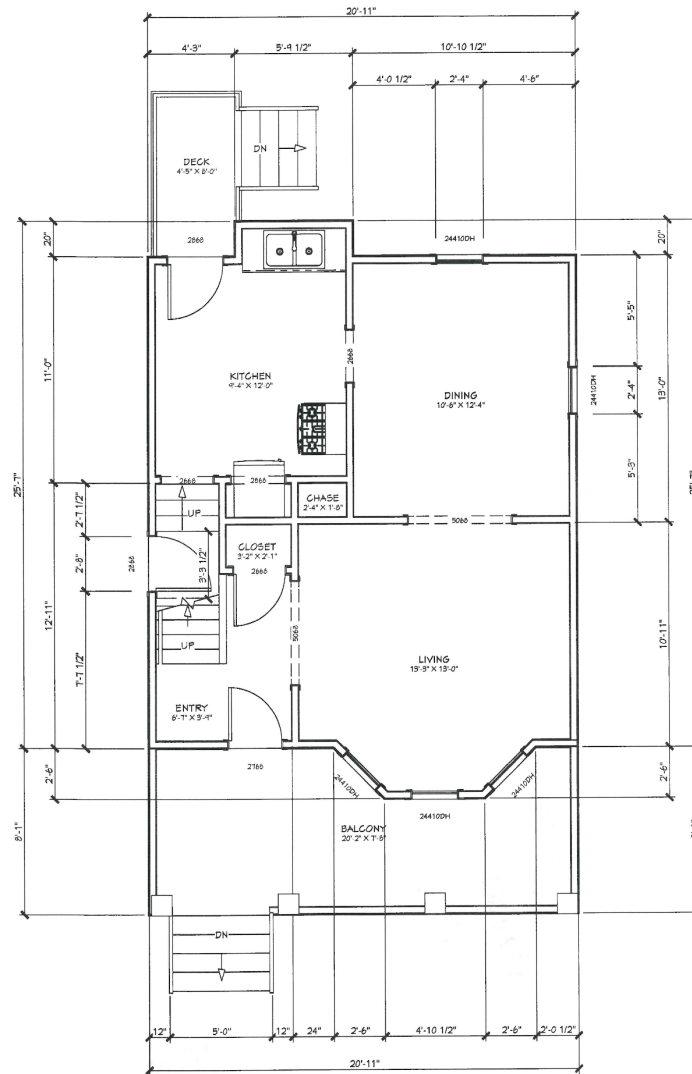
Document No(s):

202209705394

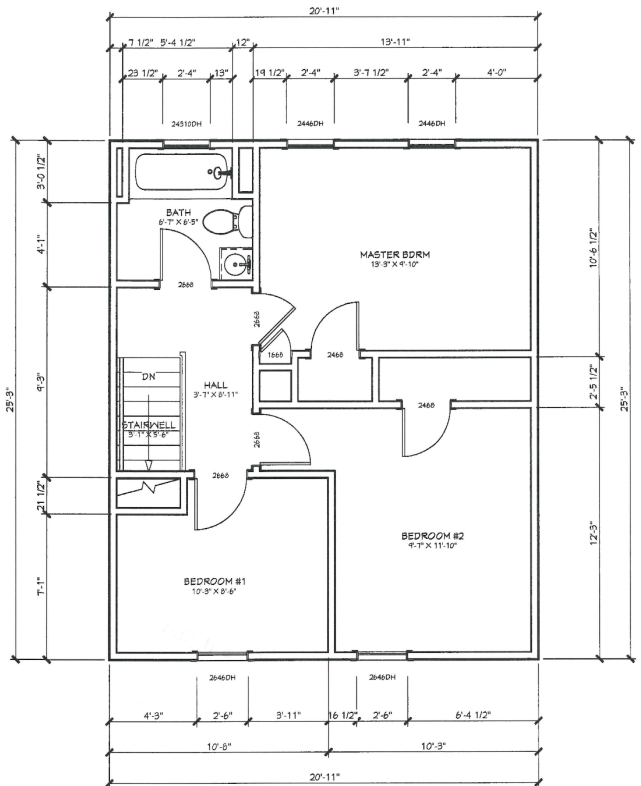
United States of America
State of Ohio
Office of the Secretary of State

Witness my hand and the seal of the
Secretary of State at Columbus, Ohio
this 7th day of April, A.D. 2022.

Ohio Secretary of State

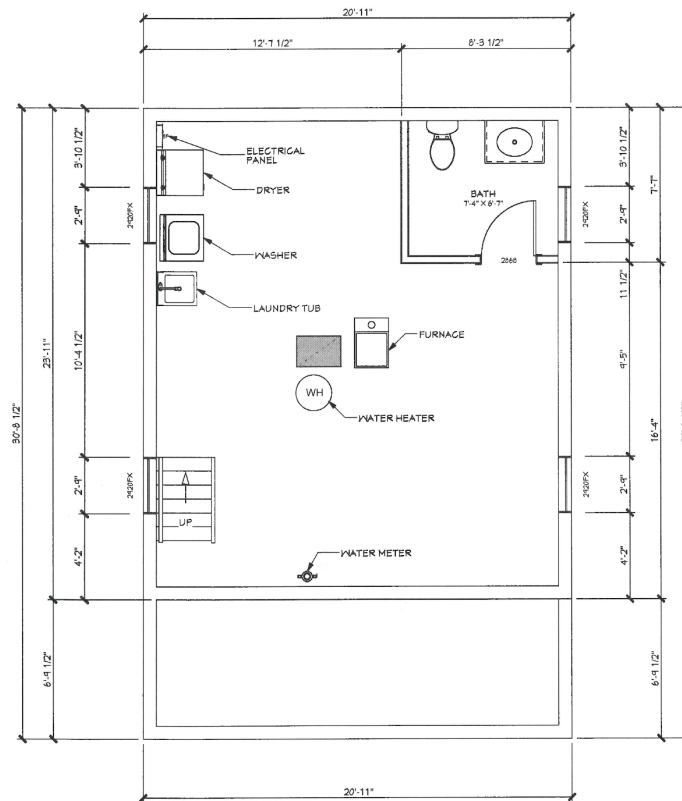


FIRST FLOOR
SCALE : 1/4" = 1'-0"



SECOND FLOOR

SCALE : 1/4" = 1'-0"



BASEMENT
SCALE: 1/4" = 1'-0"

Public Hearing

Calendar No. 23-168:

**Kevin Sullivan Appeal of the
Commissioner of Assessments and Licenses
Denial of Tow Truck Application RLUOU23-00024**

Kevin Sullivan appeals under the authority of Section 76-6(b) of the Charter of the City of Cleveland and Section 329.02(d) from the decision of the Commissioner of Assessments and Licenses to deny application RLUOU23-00024 (Filed SEPTEMBER 22, 2023).



Public Hearing

Calendar No. 23-168:

**Kevin Sullivan Appeal of the
Commissioner of Assessments and Licenses
Denial of Tow Truck Application RLUOU23-00024**



SWEARING IN ALL WHO ARE PRESENT FOR THIS CASE:

DO YOU SWEAR OR AFFIRM THAT THE TESTIMONY YOU ARE ABOUT TO GIVE
IS THE WHOLE TRUTH AND NOTHING BUT THE TRUTH?

**Please Raise Your Hand.
Reply with I DO, YOUR NAME and YOUR ADDRESS.**

**Kevin Sullivan Appeal of the
Commissioner of Assessments and Licenses
Denial of Tow Truck Application RLUOU23-00024**



LEGAL STANDARD

Madam Chair, Members of the Board, Appellant is appealing an administrative decision of the Commissioner of Assessments and Licenses. The standard of review to be applied is whether the administrative decision was illegal, arbitrary, capricious, unreasonable or unsupported by the preponderance of substantial, reliable, and probative evidence. If the Appellant fails to meet this burden, the administrative decision must be affirmed.

BZA 23-168

September 22, 2023

Board of Zoning Appeals
601 Lakeside Avenue Room, 516
Cleveland Ohio 44114

City of Cleveland
Division of Assessments & Licenses
601 Lakeside Avenue, Room 122
Cleveland Ohio 44114



To Whom it May Concern:

Do I have to appeal this again; I do not feel that I should be denied my tow license. See attached letter from the Board of Zoning Appeals that states they voted to overturn the decision that the Commissioner of Licenses and Assessments made.

When I turned in my application, I provided my BCI check, and my drivers abstract as required.

Prompt attention to this matter would be appreciated. My employer required this license.

Thank you in advance, I await your prompt reply.

A handwritten signature in black ink, appearing to read "Kevin B. Sullivan".

Kevin B. Sullivan
1291 Ethel Avenue
Lakewood Ohio 44107

E mail : Kbs1291@yahoo.com
Mobile: 216-344-0986

CLEVELAND BOARD OF ZONING APPEALS

CALENDAR NO. 22-011

APPEAL OF KEVIN SULLIVAN

FROM TOW TRUCK LICENSE DENIAL

RESOLUTION

APRIL 4, 2022

WHEREAS, Kevin Sullivan appeals under the authority of Section 76-6(b) of the Charter of the City of Cleveland and Section 329.02(d) from the decision of the Commissioner of Assessments and Licenses to deny application LUOU21-00187 (Filed February 7, 2022).

WHEREAS, after public notice and written notice mailed to the appropriate persons, a public hearing was held on Monday, March 21, 2022, and,

WHEREAS; Mr. Sullivan stated that he has operated a tow truck business for 40 years and he has never been charged with any other similar offense. Mr. Sullivan's attorney, Henry Hilow, stated that the appellant was charged with a DUI in December of 2020 however Kevin Sullivan plead guilty to a lesser charge of "Physical Control" and was convicted of said lesser charge March 19, 2021 at that time the Administrative License Suspension was terminated immediately. He argued that the City denied his Tow Truck licensed based on the original charge and not the actual conviction. He stated that the letter issued by Assessments and Licenses referenced the reason for denial as being driving under the influence with a conviction date of 3/19/21. He argued that the Commissioner's office made the decision without determining if a conviction was ever made. Ms. Talton from Assessments and Licenses was present and stated that the application was forwarded to the Cleveland Police Department (CPD) who did their due diligence and sent a denial form back to Licenses and Assessments and then the decision by the Commissioner was made. Chairwoman Britt noted that the application for renewal was made (and denied) well after the appellant was convicted of the lesser charge. Mr. Hilow reminded the board that the court allowed Mr. Sullivan to get his license back immediately after the conviction as well; and,

WHEREAS, after due consideration of the testimony, specifically that the review by CPD came well after Mr. Sullivan was convicted of a lesser charge and his license suspension was terminated, also due to Mr. Sullivan's age and the lack of any previous violations with regard to the substance abuse, the board finds that Mr. Sullivan should be given some grace and the decision of the Commissioner of Assessments and Licenses should be overturned and his License application, LUOU21-00187 should be approved; now therefore,

BE IT RESOLVED that the decision of the Commissioner of Assessments and Licenses rendered heretofore in the within matter is hereby overturned and the appeal is approved.

Yeas: Johnson, Britt, Barnes, Faith
Nays:

Approved and adopted by the Board of Zoning Appeals April 4, 2022.

A handwritten signature in black ink, appearing to read "Elizabeth Kukla".
Elizabeth Kukla - Secretary
Board of Zoning Appeals





City of Cleveland
Justin M. Bibb, Mayor

Department of Finance
Division of Assessments & Licenses
601 Lakeside Avenue, Room 122
Cleveland, Ohio 44114-1085
216/664-2260
www.city.cleveland.oh.us



September 15, 2023

KEVIN SULLIVAN
UNITED TOWING COMPANY
1291 ETHEL ROAD
LAKEWOOD, OH. 44107

Dear KEVIN SULLIVAN,

The Tow Truck Driver application # RLUOU23-00024 has been denied.

The application was denied for the following reason(s):

POLICE RECORDS ROOM WORKFLOW IS NOT WORKING PROPERLY. THE APPLICANT WAS DENIED BY SGT. CIRITOVIC ON 8/29/23 FOR THE CONVICTIONS LISTED IN COMMISSIONER REVIEW.

§ 677A.15 (b): Driving a motor vehicle while under the influence of intoxicating liquors or drugs. A conviction under this subsection shall not bar the issuance of a license if the conviction occurred more than five (5) years prior to the date of application or, upon a recommendation of the Commissioner of Assessments and Licenses, more than three (3) years prior to the date of application.

§ 677A.15 (c): A felony, in the commission of which a motor vehicle was used.

Pursuant to Section 76-7 of the Charter of the City of Cleveland, you have the right to appeal this decision. Notice of this appeal must be received by this office within ten (10) days from the date of this letter. Your appeal must be accompanied by a fifty dollar (\$50.00) check or money order, made payable to the City of Cleveland.

If you have any questions regarding this notice, please contact this office at (216) 664-2260. Thank you.

Sincerely,

Dedrick C. Stephens, CFE, Commissioner
Division of Assessments and Licenses



Instruction Sheet for Tow Truck Driver's License

City of Cleveland
Division of Assessments and Licenses
601 Lakeside Avenue, Room 122
Cleveland, Ohio 44114

Phone: (216) 664-2264

Hours of Operation
8:00 a.m. to 4:30 p.m. Weekdays

DALLicenses@clevelandohio.gov

Before completing and submitting your application to our office, please read all materials and information included. If you have any questions, please call our office at (216) 664-2264 BEFORE YOU APPLY.

A Tow Truck Driver's license is required to drive a truck or any other vehicle adapted or used for the purpose of towing, winching or otherwise removing disabled motor vehicles. In addition to this license, a Tow Truck Vehicle License is required. This requires a separate application and fee.

This is annual license that expires on March 1st.

As the licensee, you are expected to be completely familiar with the requirements of City of Cleveland Codified Ordinance Chapter §677A, Tow Trucks.

City of Cleveland employees may not provide legal advice to the public. The information provided is for informational purposes only and is not legal advice. For questions regarding the application of a city ordinance or regulation, you should consult an attorney regarding your specific situation.

You may apply for this license in person, on-line or by mail.

In Person:

1. Gather all supporting documentation that must be submitted along with the application (see *What to bring or submit to the Division of Assessments & Licenses Section* below).
2. Complete the application in its entirety and sign (print legibly using blue or black ink).
3. Visit our office located at the address in the top right-hand corner between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.
4. Bring the fee of \$10.00. Acceptable forms of payment are money orders, checks, debit/credit cards, and cash.

On-Line:

1. Gather all supporting documentation that must be submitted along with the application (see *What to bring or submit to the Division of Assessments & Licenses Section* below).
2. Go to <https://aca-prod.accela.com/COC/Default.aspx> and follow the instructions on the enclosed attachment.
3. Be prepared to submit the license fee of \$10.00 plus all applicable convenience fees. Acceptable forms of payment are electronic check and debit/credit cards.

By Mail: (Only if licensed within the past twelve (12) months)

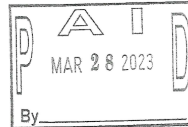
1. Gather all supporting documentation that must be submitted along with the application (see *What to bring or submit to the Division of Assessments & Licenses Section* below).
2. Make copies of all documentation.
3. Complete the enclosed application in its entirety and sign (print legibly using blue or black ink).
4. Mail the completed application, supporting documentation and fee of \$10.00 to the Division of Assessments and Licenses at the address listed above in the top right-hand corner. Acceptable forms of payment for mailed applications are money orders and checks. (DO NOT SEND CASH OR CREDIT CARD INFORMATION IN THE MAIL).

What to Bring or Submit to the Division of Assessments and Licenses.

1. Completed and signed application.
2. A **copy** of your current and valid state-issued driver's license.
3. A **copy of your State of Ohio BCI Background Check** where the BCI completion date is within one (1) year of application submission.
4. **Fee of \$10.00.** Fees are payable by cash, check, or credit card. This fee is non-refundable. Make checks payable to the City of Cleveland.

RECEIPT

CITY OF CLEVELAND
CITYWIDE PERMIT SYSTEM
601 LAKESIDE AVENUE
CLEVELAND, OH 44114



Application: RLUOU23-00024
Application Type: Licenses/Renewal/Use/Operator Use
Address: 1291 ETHEL AVE, LAKEWOOD, OH 44107

Receipt No. 1226041
Payment Method Ref Number Amount Paid Payment Date Cashier ID Cash Drawer ID Received Comments
Cash \$10.00 03/28/2023 TSUTTLES
Work Description: TOW TRUCK DRIVER

DETATCH ALONG THE LINE

City of Cleveland
Division of Assessments and Licenses

DATE: 03/28/2023

SUBMISSION CONFIRMATION

INTAKE BY: Tanya Suttles

This confirms that the application and secondary documentation has been received. Your application will be further reviewed to ensure all application submission criteria have been satisfied prior to departmental reviews. Based upon this review, your application is subject to be returned should these criteria not be met. Application submission and fee payment does not authorize or grant approval to operate. The Division of Assessments and Licenses will issue written notification indicating the final decision and/or outcome for this application.

Should you have additional questions, please contact the Division of Assessments and Licenses at (216) 664-2260. When speaking with the Division, please be sure to reference RLUOU23-00024.



OHIO DEPARTMENT OF PUBLIC SAFETY
BUREAU OF MOTOR VEHICLES
P.O. BOX 16520
COLUMBUS, OHIO 43216-6520
ABSTRACT DRIVING RECORD



REQUEST ON
DATE 03/03/2023 NAME KEVIN BRADLEY SULLIVAN DATE OF BIRTH 1/13/1958 DRIVER LICENSE NUMBER RT690608

KEVIN BRADLEY SULLIVAN

The following is a true and accurate enumeration of motor vehicle accidents and records of convictions for violations of the motor vehicle law pursuant to Section 4509.05 of the Ohio Revised Code.

REGISTRAR, OHIO BUREAU OF MOTOR VEHICLES

DRIVER INFORMATION					
NAME KEVIN BRADLEY SULLIVAN		DATE OF BIRTH 1/13/1958	SOCIAL SECURITY NUMBER	D/LD NUMBER RT690608	DATE OF ISSUANCE 11/6/2021
LAST KNOWN ADDRESS 1291 ETHEL AVE, LAKEWOOD, OH 441072319					DATE OF EXPIRATION 1/13/2029
SEX MALE	HEIGHT 5' 8"	WEIGHT 252	HAIR COLOR BROWN	EYE COLOR HAZEL	LICENSE/D CLASS CLASS A COMMERCIAL
STATUS AS OF 03/03/2023: VALID					
ENDORSEMENTS: MOTORCYCLE					
RESTRICTIONS: NONE					
CERTIFIED NON-EXCEPTED -- INTERSTATE					

DRIVING RECORD FOR THE PAST 36 MONTHS

WITHDRAWALS

SI ADMINISTRATIVE LICENSE SUSPENSION/REFUSAL STATUS: CLOSED
START: 12/12/2020 END: 12/12/2021 CLEAR: 3/18/2021 BMV CASE: SI20017191
COURT CASE: OFFENSE:

CONVICTIONS

C1 IN-STATE CONVICTION
COURT: CLEVELAND MUNICIPAL COURT CASE: 2020TRC022611
OFF DATE: 12/11/2020 CONV. DATE: 3/19/2021 POINTS: 0
OFFENSE: PHYS CNTRL/UNDR INFLUENCE

INFORMATION

M1 MEDICAL CERTIFICATION
ISSUED: 8/1/2022 EXPIRES: 8/1/2023
EXAMINER: BRIAN BALL
SPECIALTY: CHIROPRACTOR STATE: OH PHONE: (330)484-0253
REGISTRY #: 2675064694 MEDICAL #: 2924

Public Hearing



Calendar No. 23-169:

2241 W.67th St.

Ward 15

John Michalak, proposes to change the use from a two family dwelling to a three-family dwelling in a Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.03 which states that in a Two-Family District, a three-family dwelling is not permitted; it is first permitted in a Multi-Family District.
2. Section 337.03(c) which states The Board of Zoning Appeals, may grant special permit for remodeling of existing dwelling houses to provide for more than two dwelling units but not more than six dwelling units provided that: (1) The square feet of lot area to be allotted to each dwelling unit is in accordance with the area regulations included in Chapter 355; (2) The dwelling units to be created will be not smaller then two rooms and a bathroom; (3) There will be no exterior evidence that a remodeled dwelling house is occupied by more than two families, except such as may be permitted by the Board; (4) The building when altered or erected and when occupied will conform to all applicable provisions of the Building and Housing Codes and as the Commissioner of Building and the Commissioner of Housing so certify; (5) Garage space or hard surfaced and drained parking space will be provided upon the premises for the cars of the families to be accommodated on the premises at the rate of not less than one (1) car per family.



Public Hearing

Calendar No. 23-169:

2241 W.67th St.

Ward 15



SWEARING IN ALL WHO ARE PRESENT FOR THIS CASE:

DO YOU SWEAR OR AFFIRM THAT THE TESTIMONY YOU ARE ABOUT TO GIVE
IS THE WHOLE TRUTH AND NOTHING BUT THE TRUTH?

Please Raise Your Hand.
Reply with I DO, YOUR NAME and YOUR ADDRESS.

Public Hearing

Calendar No. 23-169:

2241 W.67th St.

Ward 15



HISTORY OF THE PROPERTY





LEGAL STANDARD

Madam Chair, Members of the Board, Appellant is requesting a use variance from the requirements of the zoning code and a special permit for remodeling to provide for more than two dwelling units.

To obtain the use variance, Appellant must prove that denying the request:

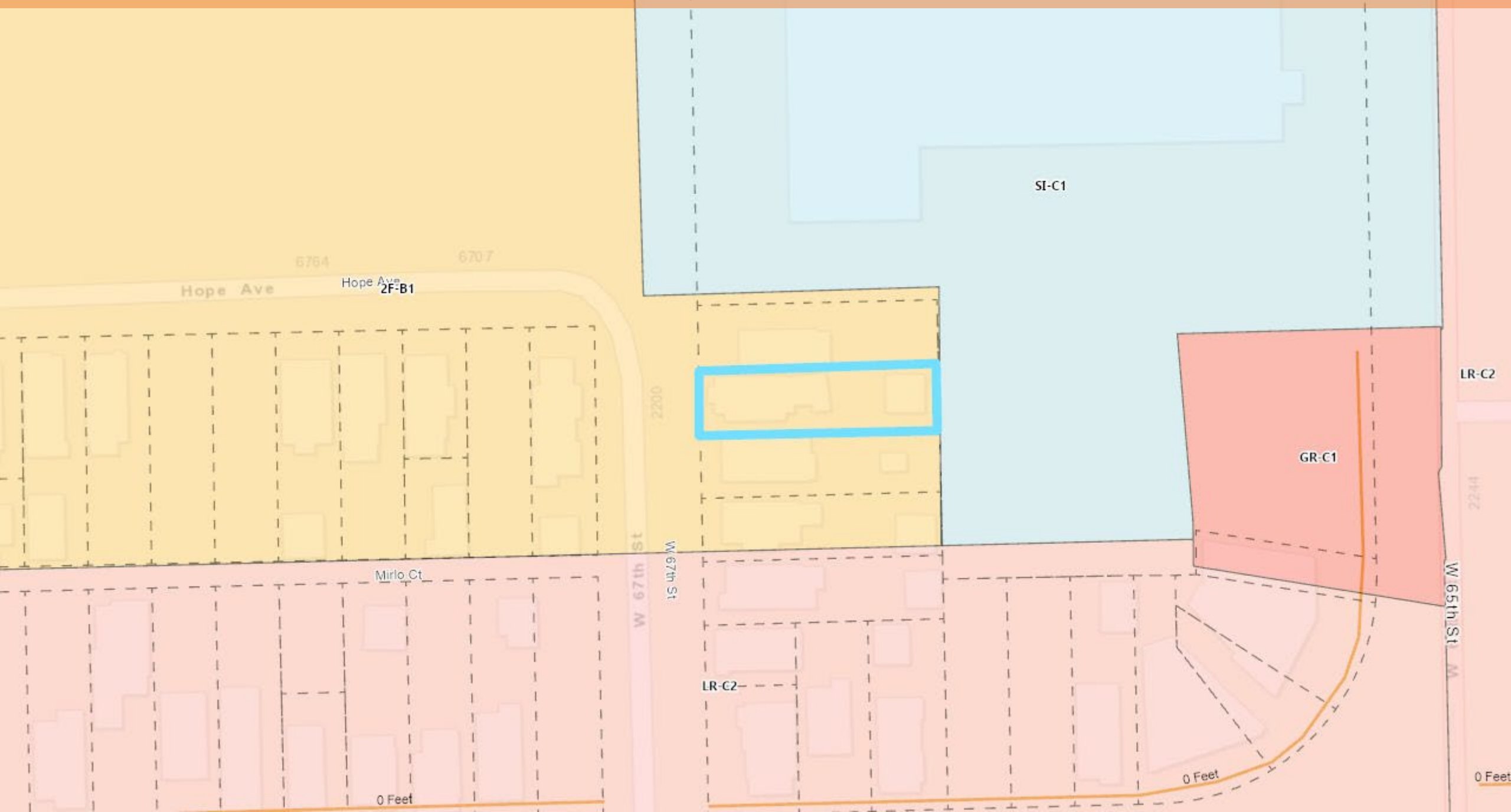
1. Will result in an **unnecessary hardship** particular to the property such that there will be no economically feasible use of the property without the variance;
2. Will deprive the Appellant of substantial property rights; and
3. That granting the variance will not be contrary to the purpose and intent of the zoning code.

To obtain the special permit, upon prescribing proper safeguards to preserve the character of the neighborhood, the Board must determine:

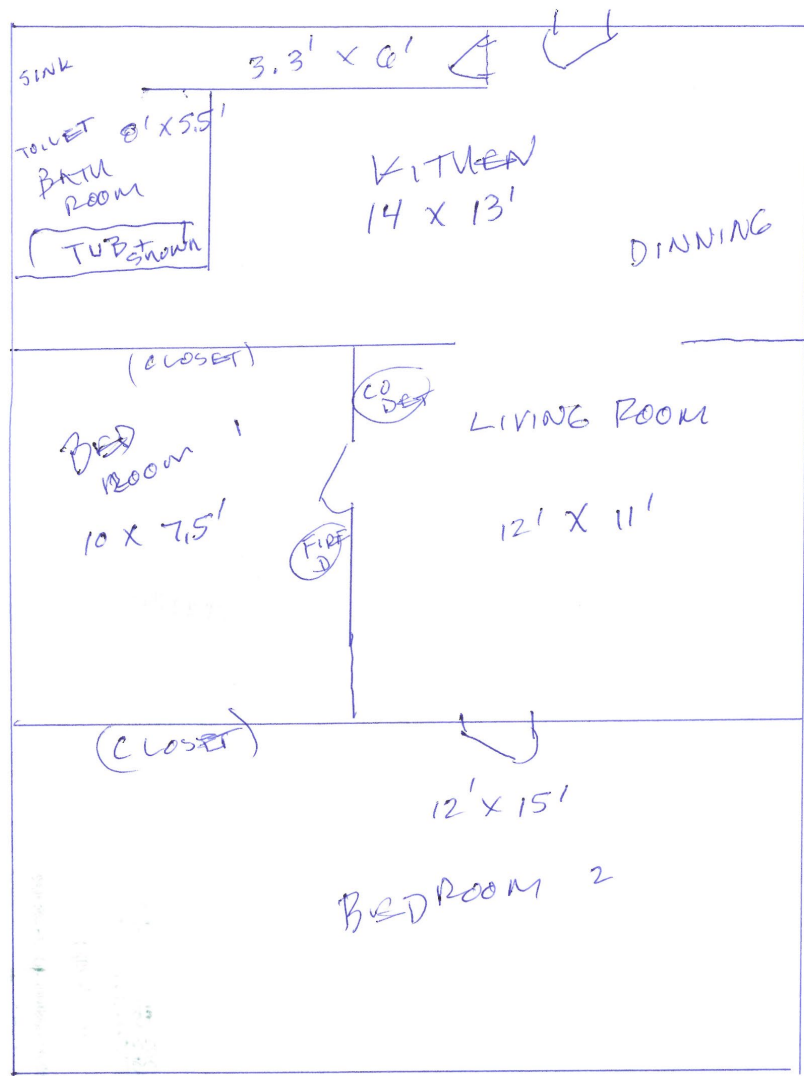
1. That the square feet of lot area to be allotted to each dwelling unit is in accordance with the area regulations included in Chapter 355;
2. That the dwelling units to be created will not be smaller than two (2) rooms and a bathroom;
3. That there will be no exterior evidence that a remodeled dwelling house is occupied by more than two (2) families, except such as may be permitted by the Board;
4. That the building, when altered and occupied, will conform to all applicable provisions of the Building and Housing Codes; and
5. That there is garage or hard surfaced and drained parking space for at least one (1) car per family on the premises.



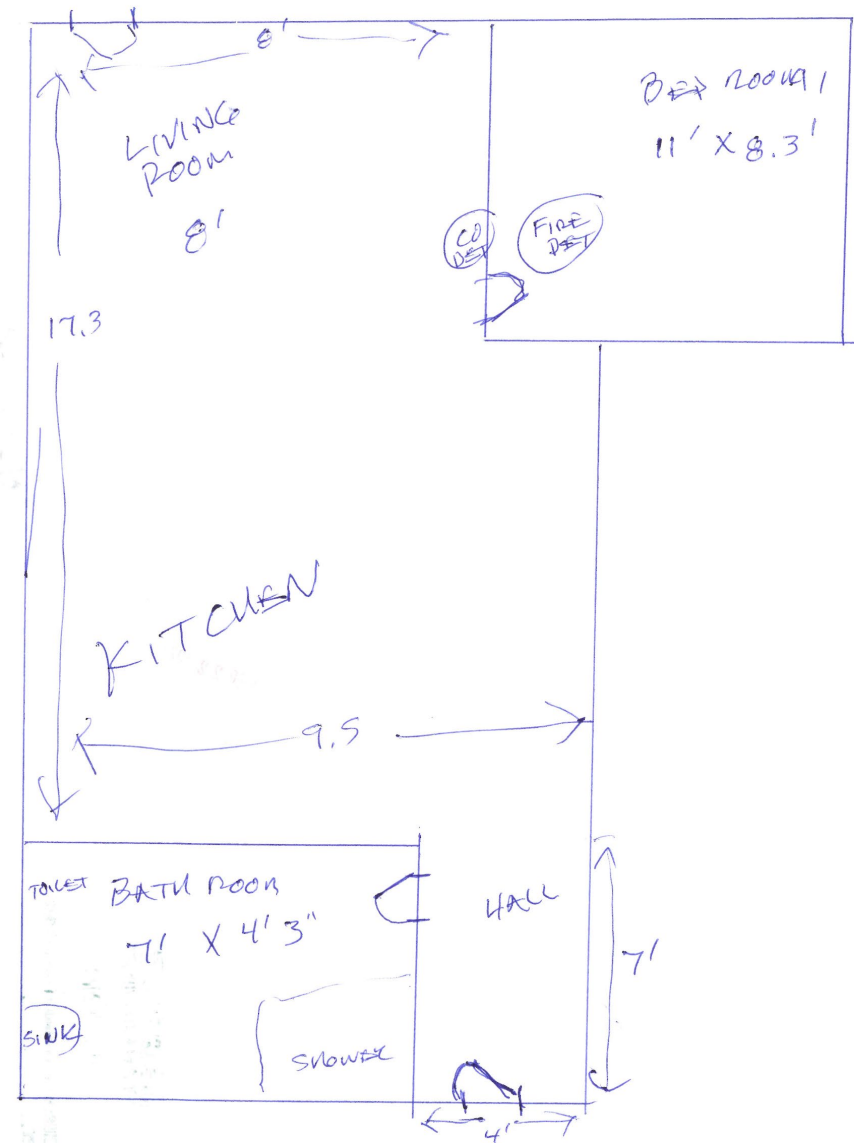




UP UNIT



BACK UNIT



Public Hearing

Calendar No. 23-172:

1295 W. 54th Street

Ward 15

Glenn & Ida Mercer, owner, proposes to erect an irregular shaped 3 story frame single family residence with attached garage. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.23(6)A2 which states attached garage shall be located on rear half of lot 78,69' proposing 61'.
2. Section 341.02(b) which states City Planning Approval is required before issuance of building permit.



Public Hearing

Calendar No. 23-172:

1295 W. 54th Street

Ward 15



SWEARING IN ALL WHO ARE PRESENT FOR THIS CASE:

DO YOU SWEAR OR AFFIRM THAT THE TESTIMONY YOU ARE ABOUT TO GIVE
IS THE WHOLE TRUTH AND NOTHING BUT THE TRUTH?

Please Raise Your Hand.
Reply with I DO, YOUR NAME and YOUR ADDRESS.



HISTORY OF THE PROPERTY





LEGAL STANDARD

Madam Chair, Members of the Board, Appellant is requesting an area variance from the attached garage requirements of the zoning code.

To obtain the area variances, Appellant must prove that denying the request:

1. Will create a **practical difficulty** not generally shared by other land or buildings in the same district;
2. Will deprive the Appellant of substantial property rights; and
3. That granting the variances will not be contrary to the purpose and intent of the zoning code.



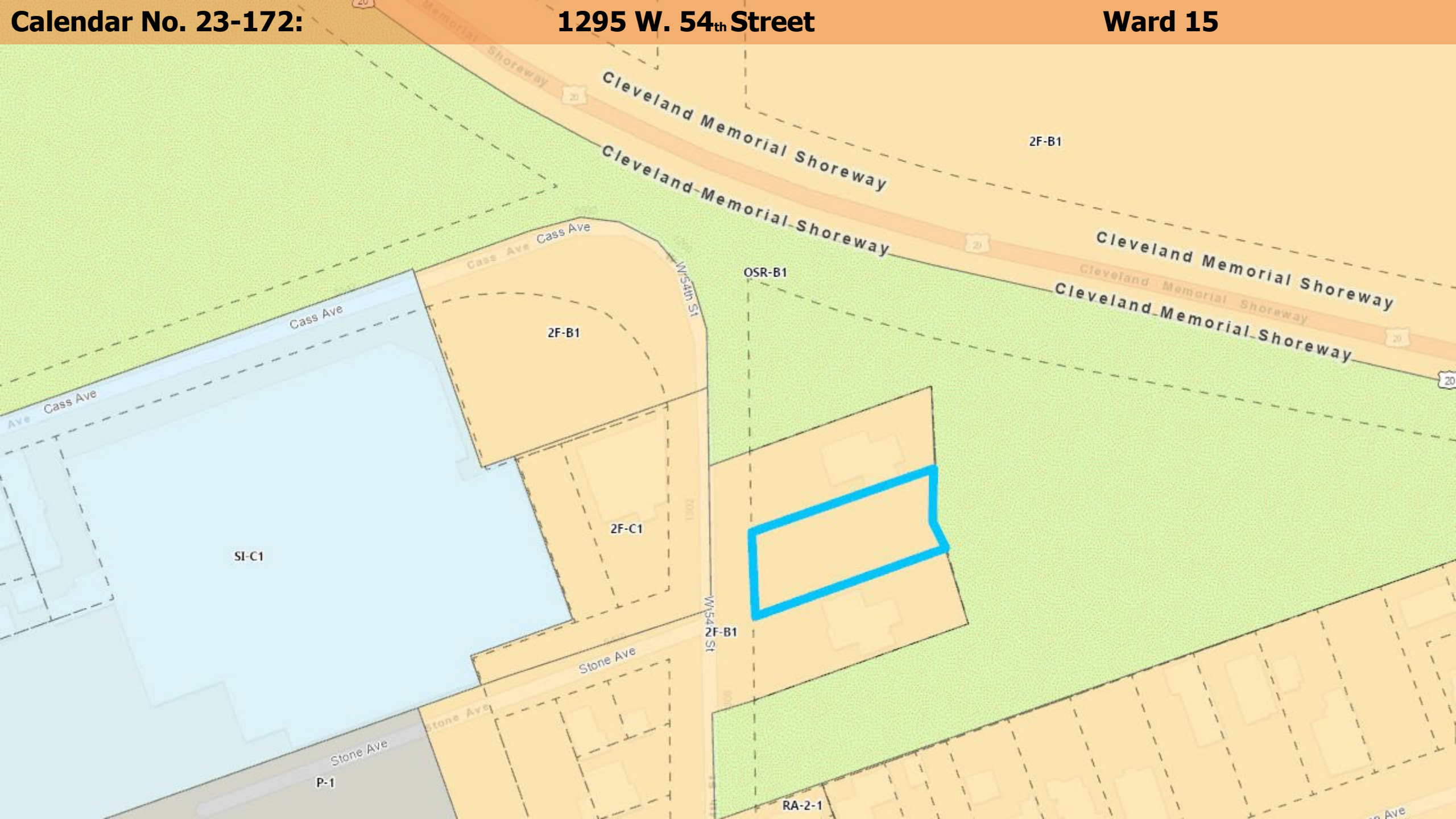
way (US 6



West 54th Street

Stone Avenue

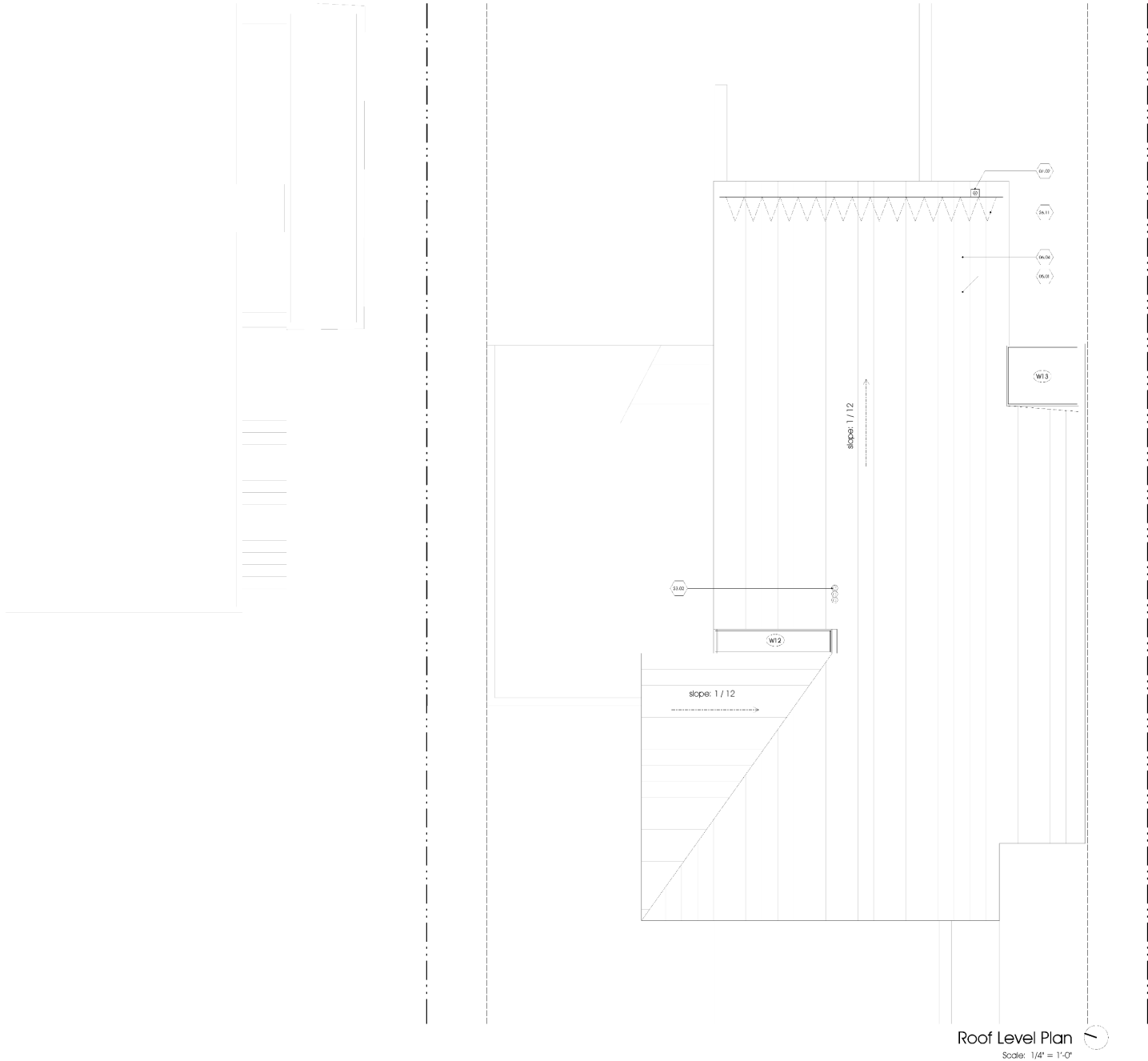
ass Avenue











Roof Level Plan
Scale: 1/4" = 1'-0"

General Notes

1. Do not scale drawings.
2. Contractors to verify all dimensions and other existing conditions prior to the construction of the work.
3. All notes are applicable to all trades and respect the contract.
4. Contractor to verify the accuracy of all dimensions and other existing conditions prior to the construction of the work.
5. All dimensions to existing conditions are shown in parentheses in the drawings and the field conditions.
6. All dimensions to existing conditions are shown in parentheses in the drawings and the field conditions.
7. All dimensions to existing conditions are shown in parentheses in the drawings and the field conditions.
8. All dimensions to existing conditions are shown in parentheses in the drawings and the field conditions.
9. All dimensions to existing conditions are shown in parentheses in the drawings and the field conditions.
10. All dimensions to existing conditions are shown in parentheses in the drawings and the field conditions.

Glenn and
Ida Mercer
3294 Enderby Road
Shaker Heights, Ohio 44120

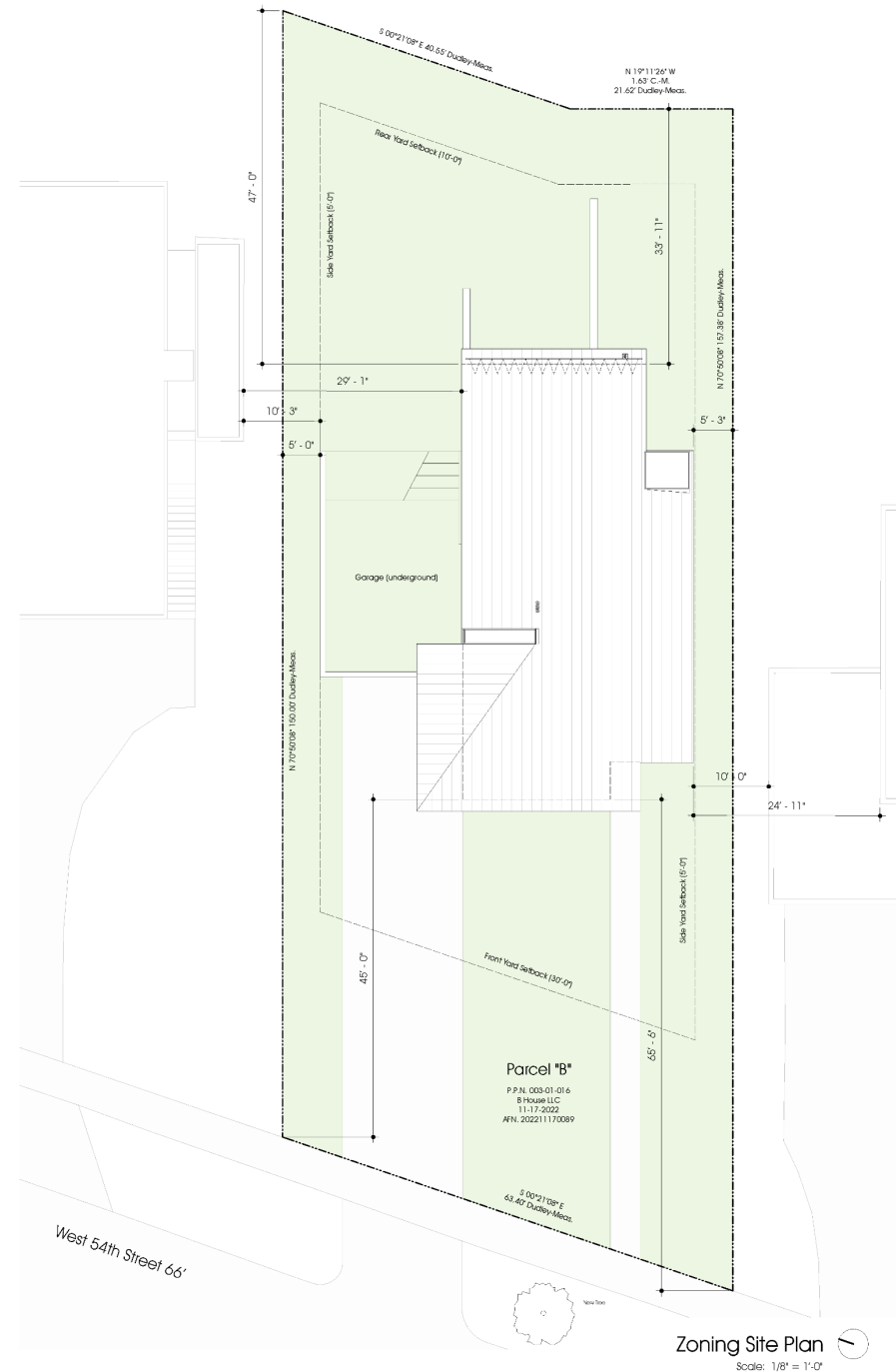
Commission 2221
perchHouse
1295 West 54th Street
Cleveland, Ohio 44102

Issuance
2023.06.14 Bidding and Permit Documents



Roof Plan
A.107

robert maschke ARCHITECTS, inc. Gordon Square • 1257 West 54th Street • Cleveland, Ohio 44102 • 216.251.6421 • www.robertmaschke.com



General Notes

1. See all notes on drawings.
2. Contractor shall verify all dimensions and locations of existing structures with owner prior to construction.
3. All notes are subject to change without notice.
4. Contractor shall verify all dimensions and locations of existing structures with owner prior to construction.
5. All dimensions are given in feet and inches.
6. All dimensions are given in feet and inches.
7. All dimensions are given in feet and inches.
8. All dimensions are given in feet and inches.
9. All dimensions are given in feet and inches.
10. All dimensions are given in feet and inches.

Glenn and
Ida Mercer
3294 Enderby Road
Shaker Heights, Ohio 44120

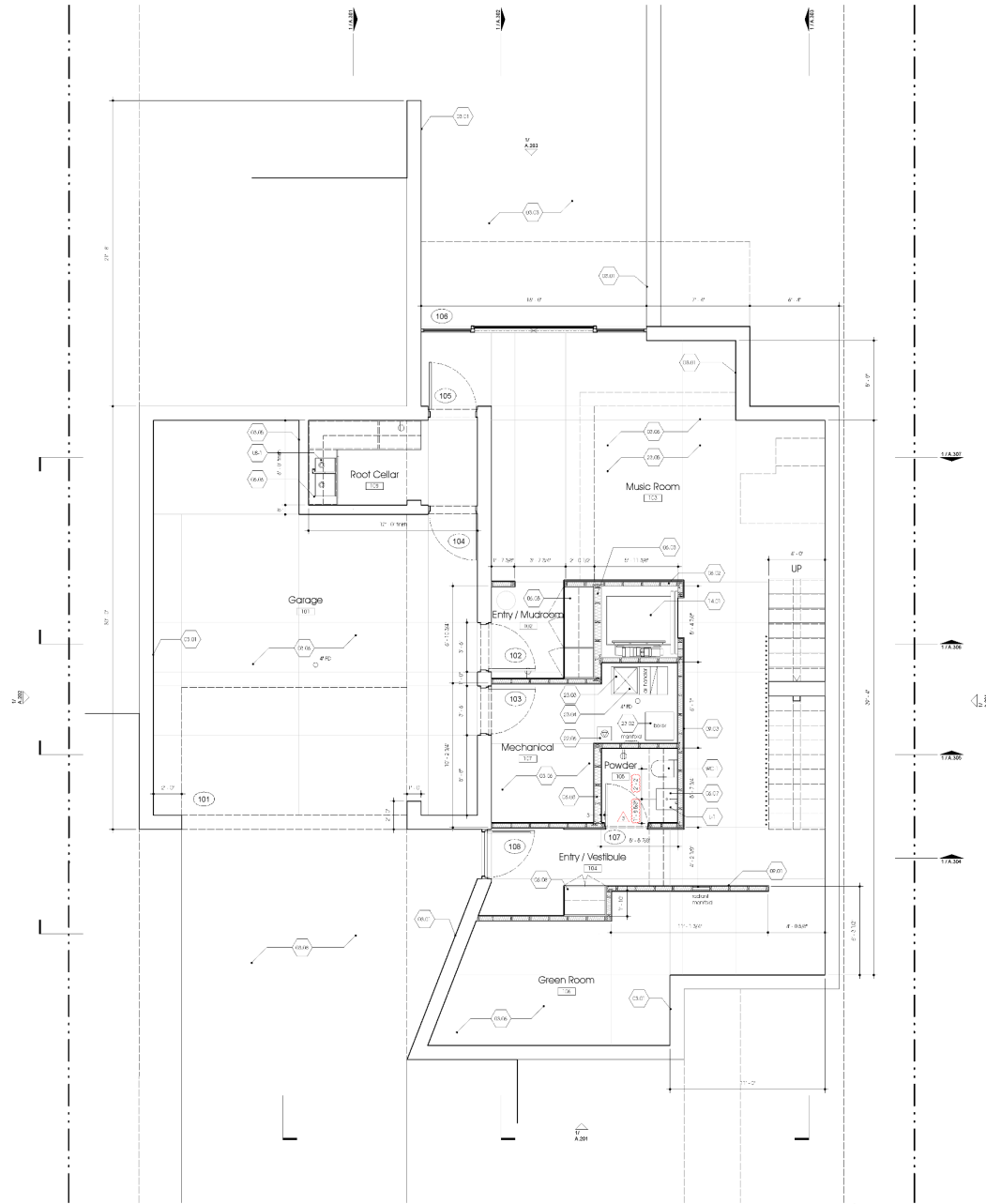
Commission 2221
perchHouse
1295 West 54th Street
Cleveland, Ohio 44102

Issuance
2023.08.14 Bidding and Permit Revisions



Zoning Site Plan
Z.101

robert maschke ARCHITECTS, inc. Gordon Square • 1287 West 54th Street • Cleveland, Ohio 44102 • 216.281.6421 • www.robertmaschke.com



First Floor Plan
Scale: 1/4" = 1'-0"

General Notes

1. See notes on drawings.
2. Contractor shall verify all conditions and all other existing conditions shall be verified prior to construction.
3. All work shall be in accordance with the City of Cleveland Building Code.
4. Contractor shall verify all conditions and all other existing conditions shall be verified prior to construction.
5. All work shall be in accordance with the City of Cleveland Building Code.
6. All work shall be in accordance with the City of Cleveland Building Code.
7. All work shall be in accordance with the City of Cleveland Building Code.
8. All work shall be in accordance with the City of Cleveland Building Code.
9. All work shall be in accordance with the City of Cleveland Building Code.
10. All work shall be in accordance with the City of Cleveland Building Code.

Glenn and
Ida Mercer
3294 Enderby Road
Shaker Heights, Ohio 44120

Commission 2221
perchHouse
1295 West 54th Street
Cleveland, Ohio 44102

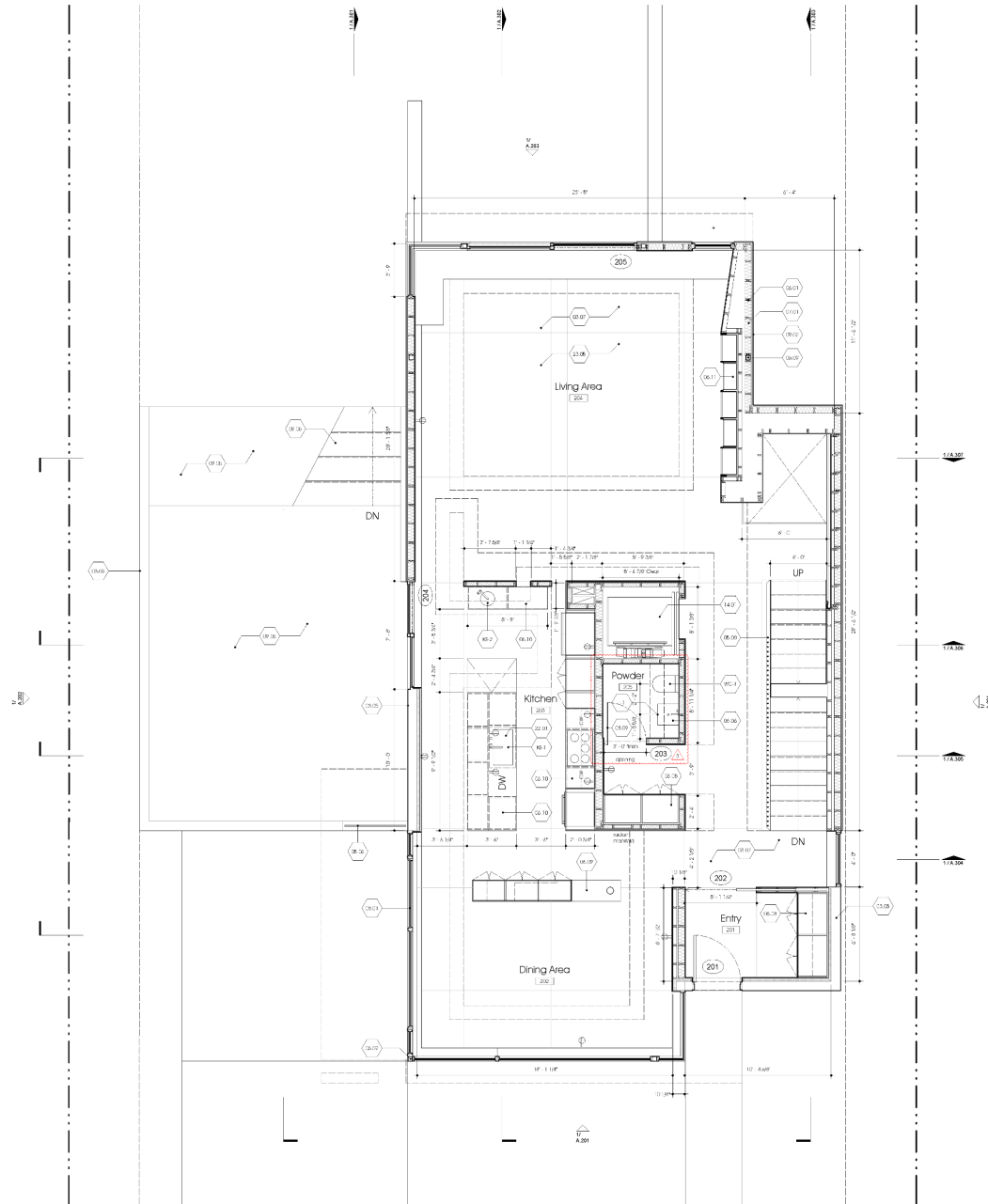
Issuance
2023.12.26 Design Development Progress
2023.06.14 Bidding and Permit Documents
2023.08.14 Bidding and Permit Revisions



First Floor Plan
A.101

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Second Floor Plan
Scale: 1/4" = 1'-0"

General Notes

- 1. See notes on drawings.
- 2. Contractor shall verify all conditions and all other existing conditions shall be shown on drawings.
- 3. All work shall be in accordance with the Ohio Building Code.
- 4. Contractor shall verify all conditions and all other existing conditions shall be shown on drawings.
- 5. All work shall be in accordance with the Ohio Building Code.
- 6. All work shall be in accordance with the Ohio Building Code.
- 7. All work shall be in accordance with the Ohio Building Code.
- 8. All work shall be in accordance with the Ohio Building Code.
- 9. All work shall be in accordance with the Ohio Building Code.
- 10. All work shall be in accordance with the Ohio Building Code.

Glenn and
Ida Mercer
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Shaker Heights, Ohio 44120

Commission 2221
perchHouse
1295 West 54th Street
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Issuance
2023.12.26 Design Development Progress
2023.06.14 Bidding and Permit Documents
2023.08.14 Bidding and Permit Revisions



Second Floor Plan
A.103

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- Do not reuse drawings.
- Contractor to keep safety of all contractors and all others drawing contractor clients the commitment of the work.
- All roles are applicable to all trades and respective contractor.
- Contractor to notify the design team in writing in the event of a discrepancy between the drawing and the field conditions.
- All drawings to existing order new work in place by the contractor or contractor subcontractor in negligence of the required or additional call to the owner.
- All drawings and existing on necessary to document this work is to be noted and typed. All items indicated but not completed existing to remain, remain a note to be completed, listed.
- Exterior drawing 9.112 to Finishes and Door thresholds and 103 Project Schedule and Architectural Reference.
- Exterior drawing 9.112 to window thresholds.

Commission 2221
perchHouse
1295 West 54th Street
Cleveland, Ohio 44102

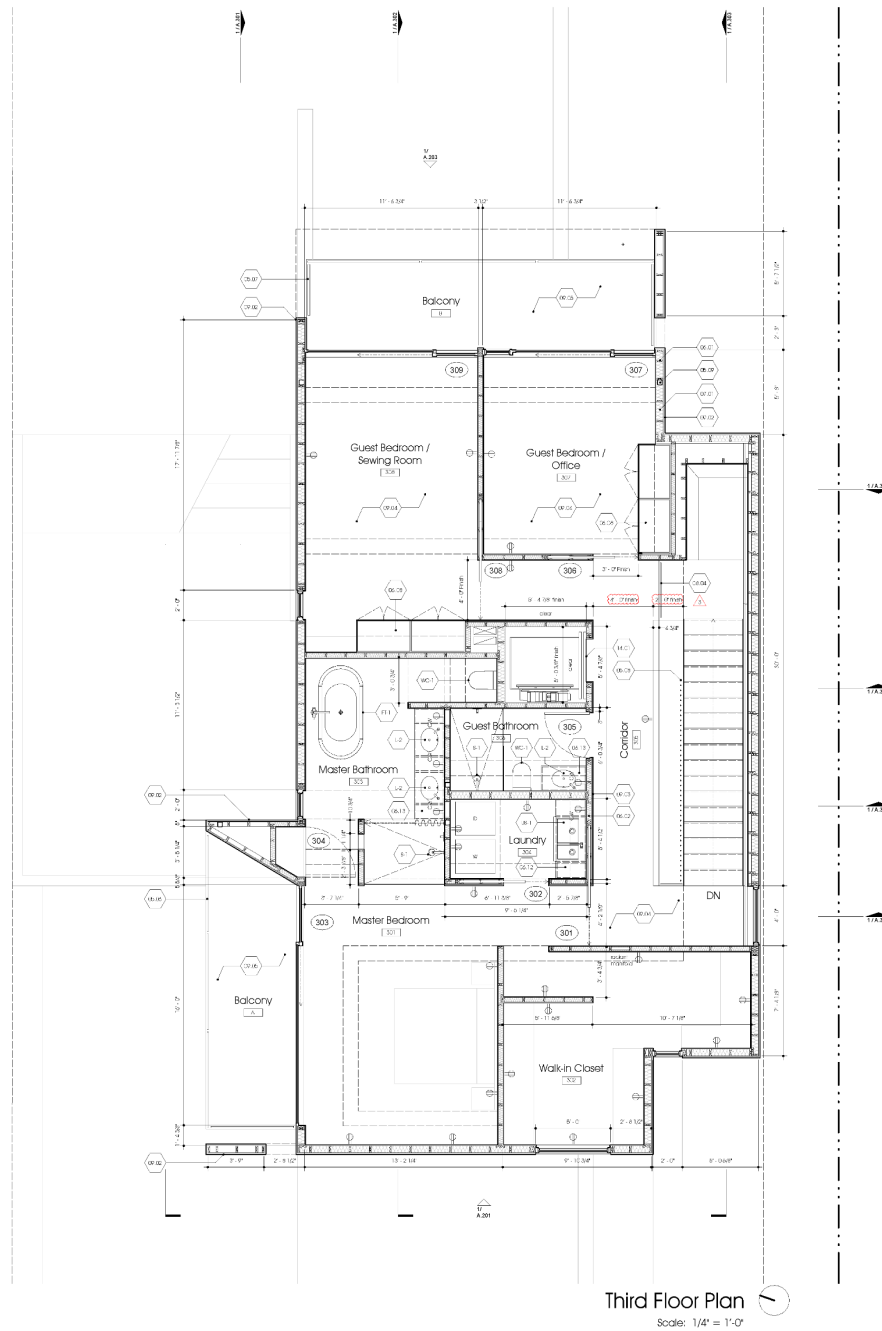
Issuance
2022.12.26 Design Development, Progress
2023.06.14 Bidding and Permit Documents
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Robert Maschke, License #10647
Expiration Date 12.31.2023

Third Floor Plan
A.105
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Window Schedule

Mark	Operation	Glass	Width	Height	Notes
W1	Fixed		11'-0"	2'-0"	Custom L-shape, 2'-0" (w) x 5'-0" (h) x 2'-0" (h)
W2	Fixed		6'-0"	2'-0"	
W3	Fixed	Tempered	6'-0"	8'-0"	
W4	Awning	Tempered	2'-0"	8'-0"	
W5	Fixed	Tempered	7'-0"	8'-0"	
W6	Fixed	Tempered	5'-0"	8'-0"	Custom L-shape, 3'-0" (w) x 3'-10 1/2" (h) x 6'-8" (h)
W7	Fixed	Tempered	3'-0"	6'-8"	
W8	Awning	Tempered	5'-0"	5'-0"	
W9	Awning	Tempered	5'-0"	5'-0"	
W10	Fixed		6'-0"	2'-0"	
W11	Fixed		2'-0"	10'-0"	Custom L-shape, 2'-0" (w) x 0'-7" (h) x 2'-0" (h)
W12	Fixed		5'-0"	5'-0"	
W13	Fixed		4'-0"	4'-0"	
W14			4'-0"	4'-0"	Custom trapezoid, 4'-0" (w) x 3'-4 3/8" (h) x 3'-8 3/8" (h)
W15		Metal Panel	4'-0"	4'-0"	
W16		Metal Panel	2'-0"	3'-0"	
W17		Metal Panel	4'-0"	3'-0"	
W18	Awning		4'-0"	5'-0"	
W19	Fixed		4'-0"	1'-0"	

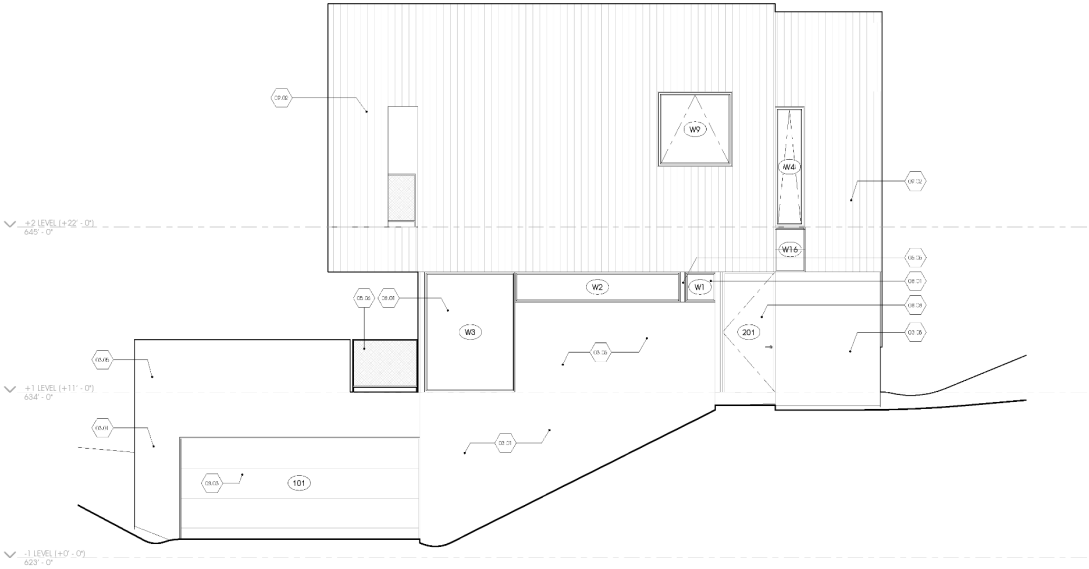
General Notes

1. See notes on drawings.
2. Coordinate with utility and contractor and other existing conditions with the owner and architect.
3. All notes are subject to the local and applicable code.
4. Coordinate with the architect and engineer to determine the appropriate window schedule for the building.
5. All window and door schedules shall be subject to the architect's approval.
6. All window and door schedules shall be subject to the architect's approval.
7. All window and door schedules shall be subject to the architect's approval.
8. All window and door schedules shall be subject to the architect's approval.
9. All window and door schedules shall be subject to the architect's approval.
10. All window and door schedules shall be subject to the architect's approval.

Glenn and
Ida Mercer
3294 Enderby Road
Shaker Heights, Ohio 44120

Commission 2221
perchHouse
1295 West 54th Street
Cleveland, Ohio 44102

Issuance
2023.12.26 Design Development Progress
2023.06.14 Bidding and Permit Documents
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SOUTH ELEVATION
Scale: 1/4" = 1'-0"



Exterior Elevations
A.201

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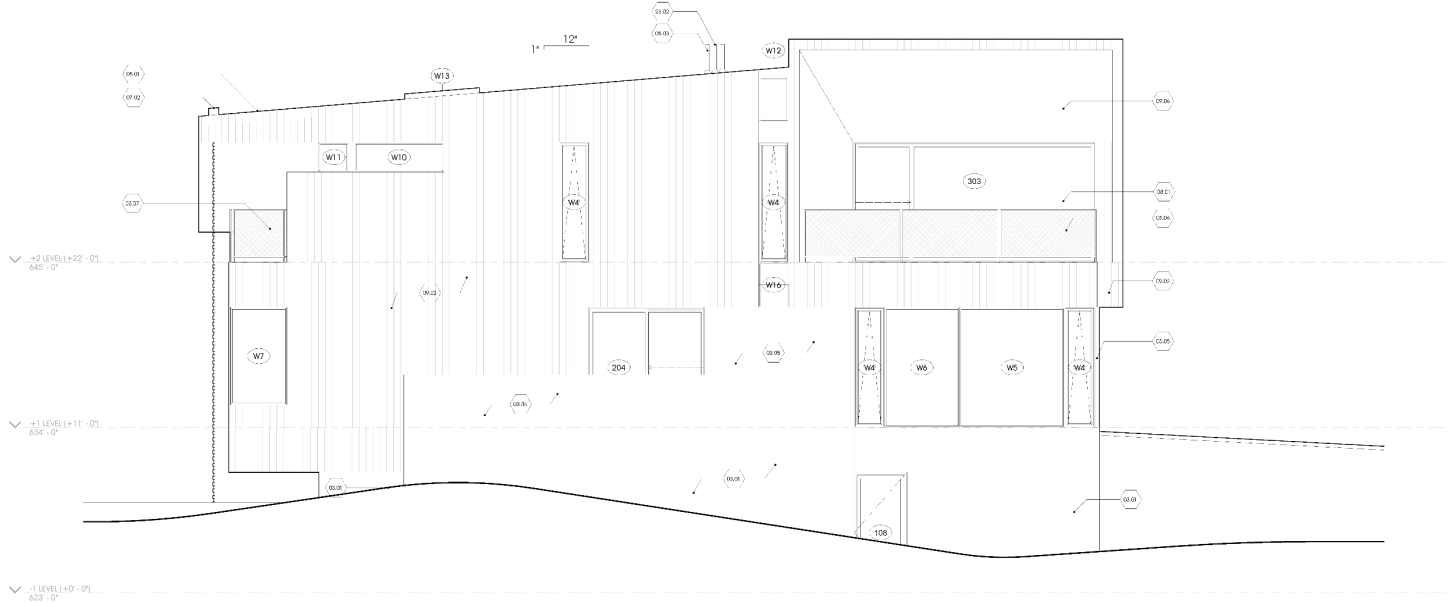
Window Schedule

Mark	Operation	Glass	Width	Height	Notes
W1	Fixed		11' - 0"	2' - 0"	Custom L-shape, 2' - 0" (w) x 5' - 0" (h) x 2' - 0" (h)
W2	Fixed		6' - 0"	2' - 0"	
W3	Fixed	Tempered	6' - 0"	8' - 0"	
W4	Awning	Tempered	2' - 0"	8' - 0"	
W5	Fixed	Tempered	7' - 0"	8' - 0"	
W6	Fixed	Tempered	5' - 0"	8' - 0"	
W7	Fixed	Tempered	3' - 0"	8' - 6"	Custom L-shape, 3' - 0" (w) x 3' - 10 1/2" (h) x 6' - 6" (h)
W8	Awning	Tempered	3' - 0"	8' - 6"	
W9	Awning	Tempered	5' - 0"	5' - 0"	
W10	Fixed		6' - 0"	2' - 0"	
W11	Fixed		2' - 0"	10' - 0"	Custom L-shape, 2' - 0" (w) x 0' - 7" (h) x 2' - 0" (h)
W12	Fixed		5' - 0"	5' - 0"	Skylight
W13	Fixed		4' - 0"	4' - 0"	Skylight
W14		Metall Panel	4' - 0"	4' - 0"	Custom hapezoid, 4' - 0" (w) x 3' - 4 3/8" (h) x 3' - 8 3/8" (h)
W15		Metall Panel	2' - 0"	3' - 0"	
W16		Metall Panel	4' - 0"	3' - 0"	
W17			4' - 0"	5' - 0"	
W18	Awning		4' - 0"	1' - 0"	
W19	Fixed		4' - 0"	1' - 0"	

General Notes

1. Do not scale drawings.
2. Contractor to verify all dimensions and confirm existing conditions prior to the construction of the work.
3. All notes are subject to all rules and regulations of the building department.
4. Contractor to verify the location of existing windows and doors in the existing conditions drawings and the field conditions.
5. All window and door openings shall be constructed in accordance with the building department's requirements and the manufacturer's instructions.
6. All window and door openings shall be constructed in accordance with the building department's requirements and the manufacturer's instructions.
7. All window and door openings shall be constructed in accordance with the building department's requirements and the manufacturer's instructions.
8. All window and door openings shall be constructed in accordance with the building department's requirements and the manufacturer's instructions.
9. All window and door openings shall be constructed in accordance with the building department's requirements and the manufacturer's instructions.
10. All window and door openings shall be constructed in accordance with the building department's requirements and the manufacturer's instructions.

Glenn and
Ida Mercer
3294 Enderby Road
Shaker Heights, Ohio 44120



NORTH ELEVATION
Scale: 1/4" = 1'-0"

Commission 2221
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1295 West 54th Street
Cleveland, Ohio 44102

Issuance
2022.12.26: Design Development, Progress
2023.06.14: Bidding and Permit Documents
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Exterior Elevations
A.202
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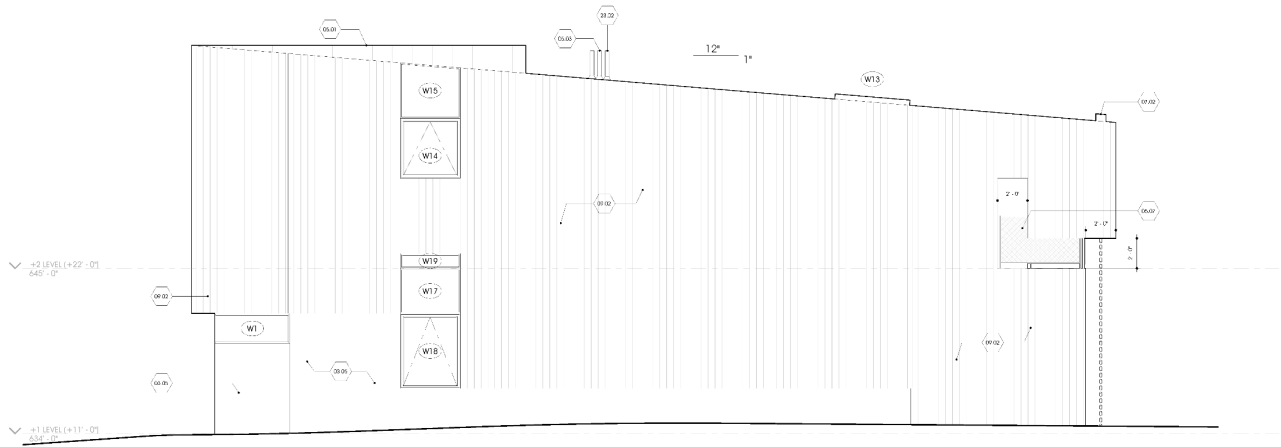
Window Schedule

Mark	Operation	Glass	Width	Height	Notes
W1	Fixed		11'-0"	2'-0"	Custom L-shape, 2'-0" (w) x 5'-0" (h) x 2'-0" (h)
W2	Fixed		6'-0"	2'-0"	
W3	Fixed	Tempered	6'-0"	8'-0"	
W4	Awning	Tempered	2'-0"	8'-0"	
W5	Fixed	Tempered	7'-0"	8'-0"	
W6	Fixed	Tempered	5'-0"	8'-0"	
W7	Fixed	Tempered	3'-0"	6'-6"	Custom L-shape, 5'-0" (w) x 3'-10 1/2" (h) x 6'-6" (h)
W8	Awning	Tempered	5'-0"	5'-0"	
W9	Awning	Tempered	5'-0"	5'-0"	
W10	Fixed		6'-0"	2'-0"	
W11	Fixed		2'-0"	10'-0"	Custom L-shape, 2'-0" (w) x 0'-7" (h) x 2'-0" (h)
W12	Fixed		5'-0"	5'-0"	Skylight
W13	Fixed		4'-0"	4'-0"	Skylight
W14			4'-0"	4'-0"	
W15		Metall Panel	4'-0"	4'-0"	Custom trapezoid, 4'-0" (w) x 3'-4 3/8" (h) x 3'-8 3/8" (h)
W16		Metall Panel	2'-0"	3'-0"	
W17		Metall Panel	4'-0"	3'-0"	
W18	Awning		4'-0"	5'-0"	
W19	Fixed		4'-0"	1'-0"	

General Notes

1. Do not scale drawings.
2. Contractor to verify all dimensions and confirm existing conditions prior to the construction of the work.
3. All notes are subject to all rules and regulations of the building code.
4. Contractor to verify the location of existing windows and doors in the existing conditions drawings and the field conditions.
5. All window and door openings shall be shown in the existing conditions drawings and the field conditions.
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8. All window and door openings shall be shown in the existing conditions drawings and the field conditions.
9. All window and door openings shall be shown in the existing conditions drawings and the field conditions.
10. All window and door openings shall be shown in the existing conditions drawings and the field conditions.

Glenn and
Ida Mercer
3294 Enderby Road
Shaker Heights, Ohio 44120



WEST ELEVATION
Scale: 1/4" = 1'-0"

Commission 2221
perchHouse
1295 West 54th Street
Cleveland, Ohio 44102

Issuance
2022.12.26: Design Development, Progress
2023.06.14: Bidding and Permit Documents
2023.08.14: Bidding and Permit Revisions



Exterior Elevations
A.204
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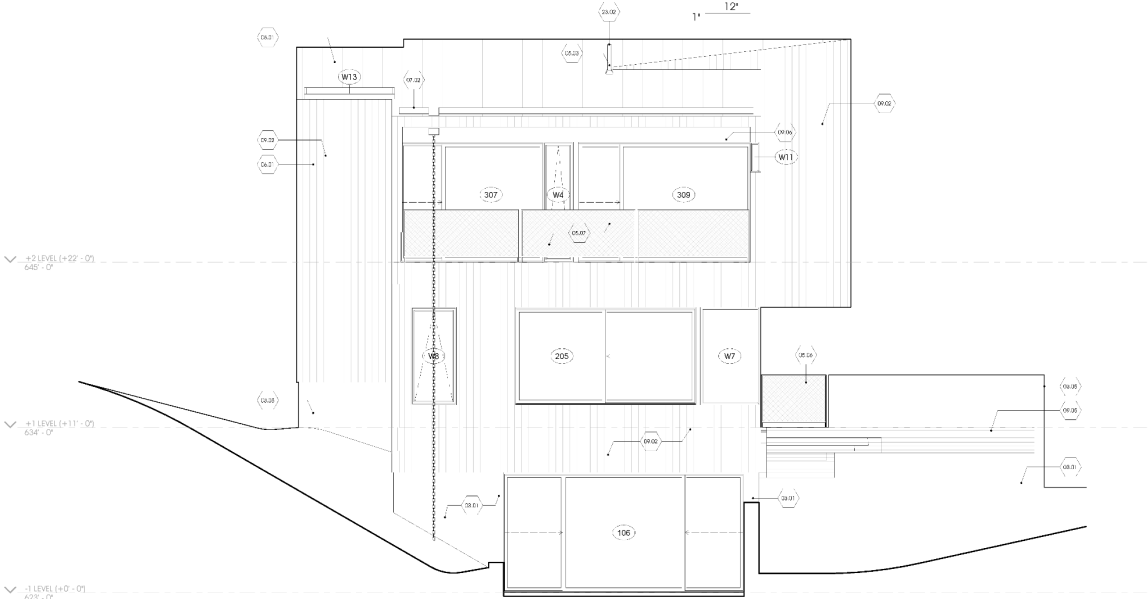
Window Schedule

Mark	Operation	Glass	Width	Height	Notes
W1	Fixed		11' - 0"	2' - 0"	Custom L-shape, 2' - 0" (w) x 5' - 0" (h) x 2' - 0" (h)
W2	Fixed		6' - 0"	2' - 0"	
W3	Fixed	Tempered	6' - 0"	8' - 0"	
W4	Awning	Tempered	2' - 0"	8' - 0"	
W5	Fixed	Tempered	7' - 0"	8' - 0"	
W6	Fixed	Tempered	5' - 0"	8' - 0"	
W7	Fixed	Tempered	3' - 0"	6' - 6"	Custom L-shape, 3' - 0" (w) x 3' - 10 1/2" (h) x 6' - 6" (h)
W8	Awning	Tempered	3' - 0"	6' - 6"	
W9	Awning	Tempered	5' - 0"	5' - 0"	
W10	Fixed		6' - 0"	2' - 0"	
W11	Fixed				Custom L-shape, 2' - 0" (w) x 0' - 7" (h) x 2' - 0" (h)
W12	Fixed		2' - 0"	10' - 0"	Skylight
W13	Fixed		5' - 0"	5' - 0"	Skylight
W14	Fixed		4' - 0"	4' - 0"	
W15		Metall Panel	4' - 0"		Custom trapezoid, 4' - 0" (w) x 3' - 4 3/8" (h) x 3' - 8 3/8" (h)
W16		Metall Panel	2' - 0"	3' - 0"	
W17		Metall Panel	4' - 0"	3' - 0"	
W18	Awning		4' - 0"	5' - 0"	
W19	Fixed		4' - 0"	1' - 0"	

General Notes

1. Do not scale drawings.
2. Coordinate with utility or other agencies and obtain existing conditions prior to the construction of the work.
3. All notes are applicable to all trades and require the contractor to coordinate with the architect.
4. Coordinate for the location of existing and proposed conditions between the drawings and the field conditions.
5. All drawings are subject to change without notice or compensation to the contractor.
6. All drawings are subject to change without notice or compensation to the contractor.
7. All drawings are subject to change without notice or compensation to the contractor.
8. All drawings are subject to change without notice or compensation to the contractor.
9. All drawings are subject to change without notice or compensation to the contractor.
10. All drawings are subject to change without notice or compensation to the contractor.

Glenn and
Ida Mercer
3294 Enderby Road
Shaker Heights, Ohio 44120



EAST ELEVATION
Scale: 1/4" = 1'-0"

Commission 2221
perchHouse
1295 West 54th Street
Cleveland, Ohio 44102

Issuance
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Exterior Elevations
A.203
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CITY OF CLEVELAND
Office of the Council

www.clevelandcitycouncil.org

Jenny Spencer COUNCIL MEMBER, WARD 15

COMMITTEES: Utilities - *Vice Chair* • Development, Planning & Sustainability • Finance, Diversity, Equity & Inclusion
Workforce, Education, Training & Youth Development

Board of Zoning Appeals
601 Lakeside Avenue - Room 516
Cleveland, Ohio 44114

October 16, 2023

RE: Calendar No. 23-172, 1295 W. 54th Street
Home of Glenn and Ida Mercer

Dear Secretary Kukla,

I am writing to express my support for the requested zoning variance for this innovative single family home and investment in Ward 15. Specifically, the owners appeal for relief from Section 337.23(6)A2 which states that an attached garage shall be located on rear half of lot.

The requested variance is necessary due to the unique topography of this parcel and its location alongside the Cleveland Lakefront Bikeway. Pushing the garage farther back would create excessive impervious surface on the site, would constrict the usage of green space, and would unearth the back of the garage from the hillside and situate it up against the heavily used bike path.

Furthermore, the design complements the adjacent properties and is complementary to their setbacks. It is my understanding that neighbors are in support of the variance.

I will be out of town on October 16th, however I ask that this letter be read into the record as an indication of my strong support for the project and its requested variance.

Best regards,

Jenny Spencer
Ward 15 Council Member

Cc: Adam Davenport, Cleveland City Planning Commission
Joseph Naser, Ward 15 Executive Assistant

Public Hearing

Calendar No. 23-153:

3050 Nursery Ave.

Ward 5

Elizabeth Hollaman, owner, proposes to expand existing Type B daycare to Type A daycare in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of Section 337.03(b) which states that a daycare use shall not be located less than 30 feet from any adjoining premises in a Residential District.



Public Hearing

Calendar No. 23-153:

3050 Nursery Ave.

Ward 5



SWEARING IN ALL WHO ARE PRESENT FOR THIS CASE:

DO YOU SWEAR OR AFFIRM THAT THE TESTIMONY YOU ARE ABOUT TO GIVE
IS THE WHOLE TRUTH AND NOTHING BUT THE TRUTH?

Please Raise Your Hand.
Reply with I DO, YOUR NAME and YOUR ADDRESS.



HISTORY OF THE PROPERTY





LEGAL STANDARD

Madam Chair, Members of the Board, Appellant is requesting a use variance and an area variance from the minimum distance requirements of the zoning code.

To obtain the use variance, Appellant must prove that denying the request:

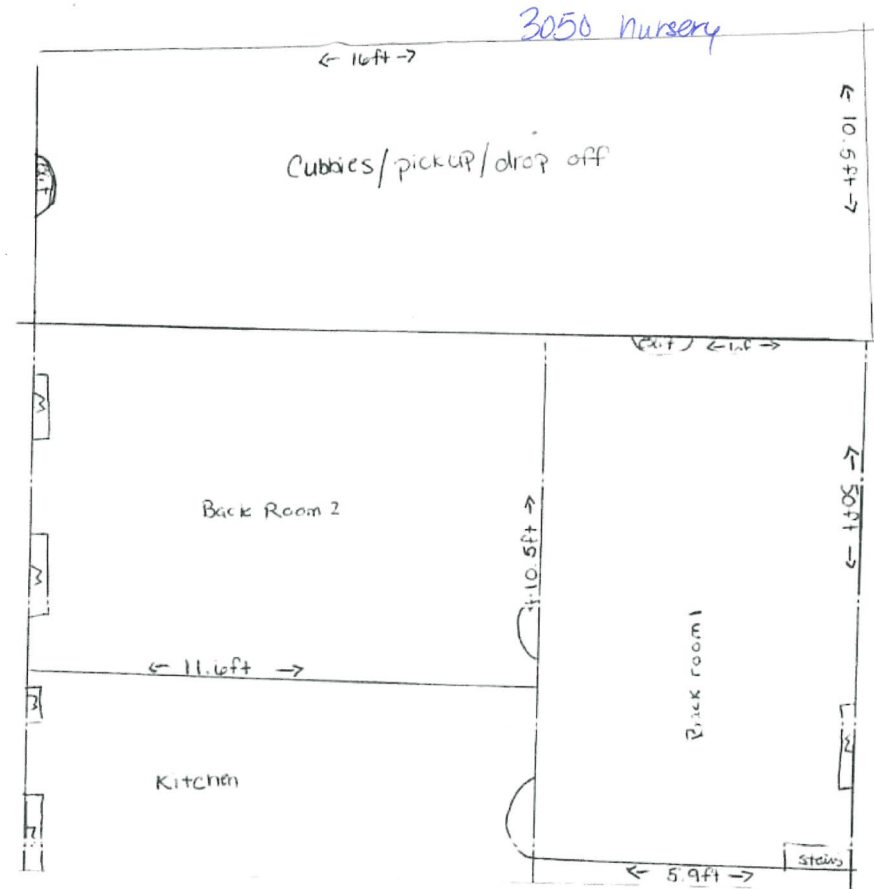
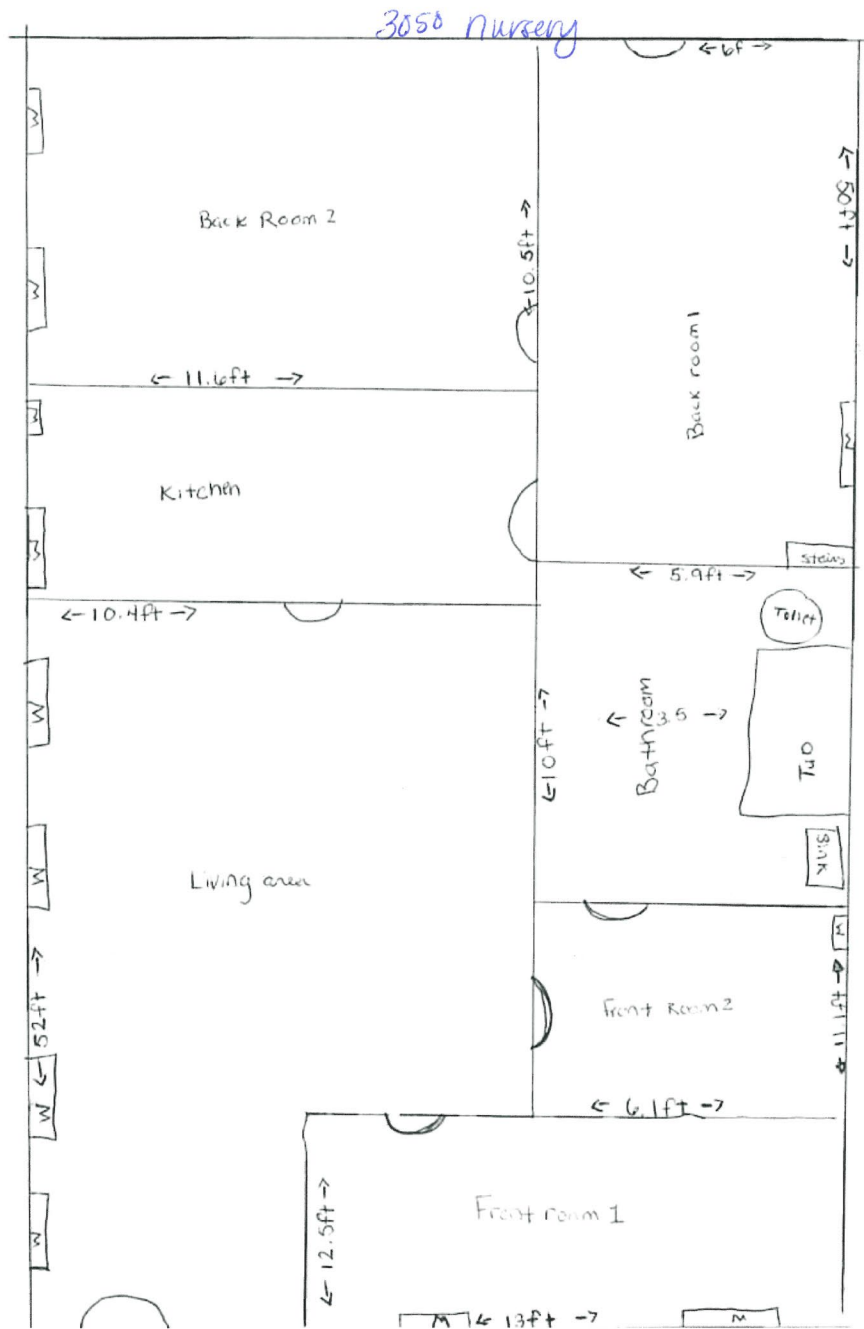
1. Will result in an **unnecessary hardship** particular to the property such that there will be no economically feasible use of the property without the variance;
2. Will deprive the Appellant of substantial property rights; and
3. That granting the variance will not be contrary to the purpose and intent of the zoning code.

To obtain the area variance, Appellant must prove that denying the request:

1. Will create a **practical difficulty** not generally shared by other land or buildings in the same district;
2. Will deprive the Appellant of substantial property rights; and
3. That granting the variance will not be contrary to the purpose and intent of the zoning code.







Public Hearing



Calendar No. 23-102:

**Appealing the decision of the
City Planning Commission to approve
A "Lot Split" at 3405 Clinton Ave**

Ward 3

Anita Myerson and Glenn Jared Van Wagenen, neighbors at 3305 Clinton Ave., appeal under the authority of Section 76-6(b) of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from the decision of the City Planning Commission to approve a Lot Split at 3405 Clinton Avenue. The appellant claims that the City Planning Commission's decision was in violation of 309.26 of the Cleveland Codified Ordinances.

Public Hearing

Calendar No. 23-102:

**Appealing the decision of the
City Planning Commission to approve
A "Lot Split" at 3405 Clinton Ave**

Ward 3
August 3, 2020



SWEARING IN ALL WHO ARE PRESENT FOR THIS CASE:

DO YOU SWEAR OR AFFIRM THAT THE TESTIMONY YOU ARE ABOUT TO GIVE
IS THE WHOLE TRUTH AND NOTHING BUT THE TRUTH?

**Please Raise Your Hand.
Reply with I DO and YOUR NAME.**

Public Hearing
Calendar No. 23-102:

Appealing the decision of the
City Planning Commission to approve
A "Lot Split" at 3405 Clinton Ave

Ward 3



HISTORY OF THE PROPERTY

To: Board of Zoning Appeals
Brittany Jones, BJones2@clevelandohio.gov
Elizabeth Kukla, Ekukla@clevelandohio.gov
Joyce Pan Huang, JHuang@clevelandohio.gov

Cc: BTrimble@ohiocity.org
kmecormack@clevelandcitycouncil.org

From: Anita Myerson and Glenn Jared Van Wagenen, 3305 Clinton Ave. AniMye@aol.com

Date: May 15, 2023

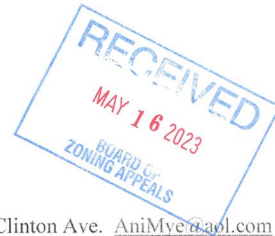
Re: Appeal of City Planning Lot Split at 3405 Clinton Avenue

We wish to appeal the City Planning Commission's May 5, 2023 grant of a speculative lot split for 3405 Clinton (PPN 003-26-042), [misidentified as 3504 Clinton in the approval motion]. The lot split was granted in violation of Cleveland Codified Ordinance 309.26. The Planning Commission did not have evidence to make the findings required by law and, therefore, its decision in granting the lot split was arbitrary and capricious.

We ask that the decision be overturned, and the lot split denied.

The Planning Commission did not permit residents to respond after the lot split applicant, Dan McCarthy, responded to our comments at the Planning Commission meeting on May 5, 2023. As a result, the Planning Commission may not have understood some relevant facts:

1. Mr. McCarthy purchased 3405 Clinton as an investment property on August 6, 2019. He does not live in the City of Cleveland. The property has been vacant since that time.
2. He stated at the hearing that he now plans to sell the house located at 3405 Clinton.
3. There is no reason that the area of the intended lot split could not be sold with 3405 Clinton when it is sold.
4. Mr. McCarthy told the Planning Commission that he wanted the lot split so that a house could be built in the property behind the house at 3401 Clinton, backing up to Vine Ct.. He has provided only rough plans to the Planning Commission.
5. It appears that the purpose of the lot split is so that this lot can be retained after 3405 Clinton is sold for unknown use or sale.
6. As a result, the Ohio City Inc, CDC, the Clinton Franklin Block Club, the neighbors and the councilman have opposed this lot split.



7. We live at 3305 Clinton Ave. Our property extends from Clinton to Vine Ct. The area of the lot split affects the use of our backyard, since we view it from our yard through the yard of 3307 Clinton.
8. The lot that he wishes to split off along Vine Ct. was part of a beautiful yard for 3405 Clinton prior to the purchase of this property by Mr. McCarthy. There is a large tree that appears to be on the line where this lot split would occur. The former garden has not been maintained for 4 years and so has become unkempt and overgrown.
9. The house at 3401 Clinton, which fronts the area of the intended lot split was recently rehabbed by another individual and is currently for sale and has a sale pending. It is the back yard of this newly renovated historic home that the applicant wants to split off.
10. Mr. McCarthy also owns the property at 3307 Clinton, which is next to our property. It is currently a rental property. The Planning Commission may have been under the misimpression that he lives there.
11. Moreover, if construction of a house on this lot were to be permitted, it would affect the quiet enjoyment of our property at 3305 Clinton, the property at 3307 Clinton, the future residents of 3401 Clinton, and the future owners of 3405 Clinton.

The policy implications here cannot be overstated. If speculative lot splits are permitted, investors and property owners around our City will be splitting off and selling substandard lots without regard to good planning principles or the public welfare.

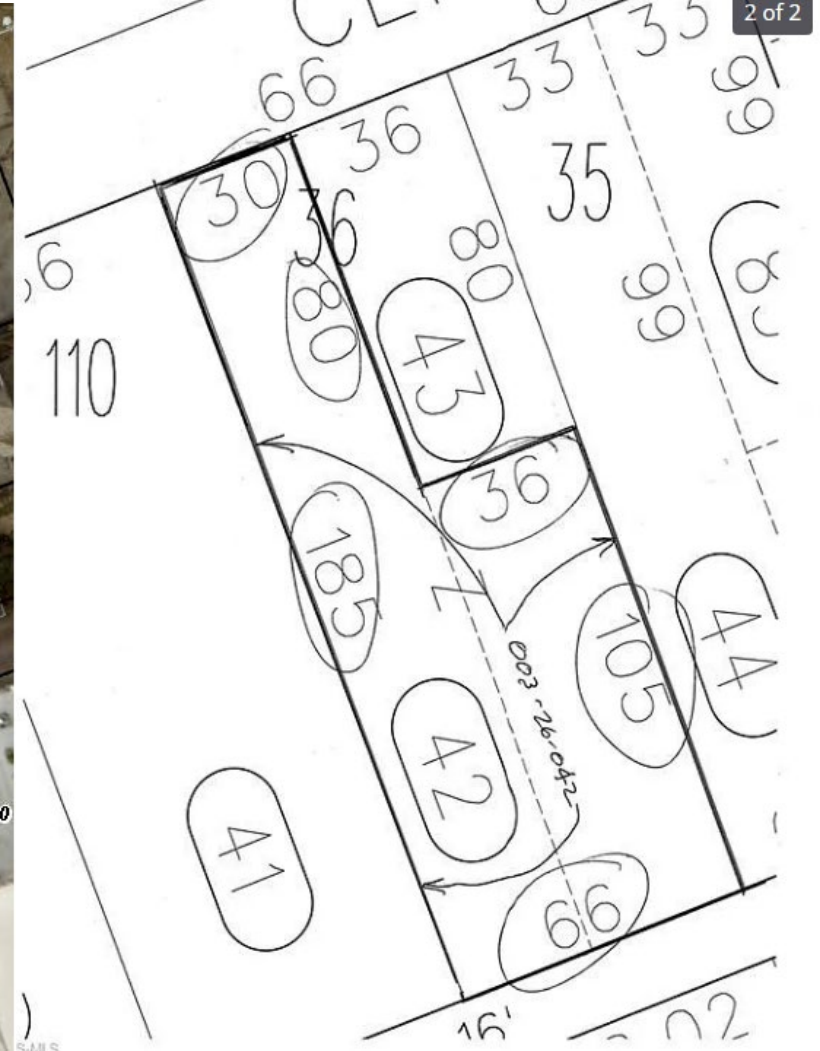
Accordingly, the applicant cannot meet the legal standard for a lot split, which is permitted, but not required, upon a finding that the property "can be developed in a manner which will not be detrimental to the public health, safety and welfare." Cleveland Ordinance 309.26. There is no evidence to support this requirement as it is speculative.

Please see the attached documents and please let me know if you require any additional information.

3405 Clinton Ave,
Cleveland, OH 44113

LOT SPLIT PLAN & PICTURES

- Neighboring house to east at 3401 Clinton has no land...Subject 3405 Clinton lot is behind neighboring house.





003-26-063	LYTLE, WILLIAM K	1497 W 38 ST	CLEVELAND, OH. 44113
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Land Record			
Record Number	1	Land Type	1
Legal Front	35	Legal Depth	66
Effective Front	35	Avg Depth	66
Lot Size (SqFt.)	2310	Acreage	0.053
Topography	LEVEL	Lot Shape	RECTANGULAR

003-26-062	RYLA PARTNERS, LLC.	1507 W 38 ST	CLEVELAND, OH. 44113
------------	---------------------	--------------	----------------------

Land Record			
Record Number	1	Land Type	1
Legal Front	35	Legal Depth	66
Effective Front	35	Avg Depth	66
Lot Size (SqFt.)	2310	Acreage	0.053
Topography	LEVEL	Lot Shape	RECTANGULAR

003-26-045	VANWAGENEN, GLENN J	W 33 ST	CLEVELAND, OH. 44113
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Land Record			
Record Number	1	Land Type	1
Legal Front	33	Legal Depth	86
Effective Front	33	Avg Depth	86
Lot Size (SqFt.)	2838	Acreage	0.065
Topography	LEVEL	Lot Shape	RECTANGULAR

003-26-043	UP TO BAT WEST, LLC	3401 CLINTON AVE	CLEVELAND, OH. 44113
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Land Record			
Record Number	1	Land Type	1
Legal Front	36	Legal Depth	80
Effective Front	36	Avg Depth	80
Lot Size (SqFt.)	2880	Acreage	0.066
Topography	LEVEL	Lot Shape	RECTANGULAR

003-26-071	SANDOVAL, LUIS S. & PHILBIN, ANDREW P.	1518 W 32 ST	CLEVELAND, OH. 44113
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Land Record			
Record Number	1	Land Type	1
Legal Front	35	Legal Depth	116
Effective Front	35	Avg Depth	116
Lot Size (SqFt.)	4060	Acreage	0.093
Topography	LEVEL	Lot Shape	RECTANGULAR

003-26-085	VANWAGENEN, GLENN J	3305 CLINTON AVE	CLEVELAND, OH. 44113
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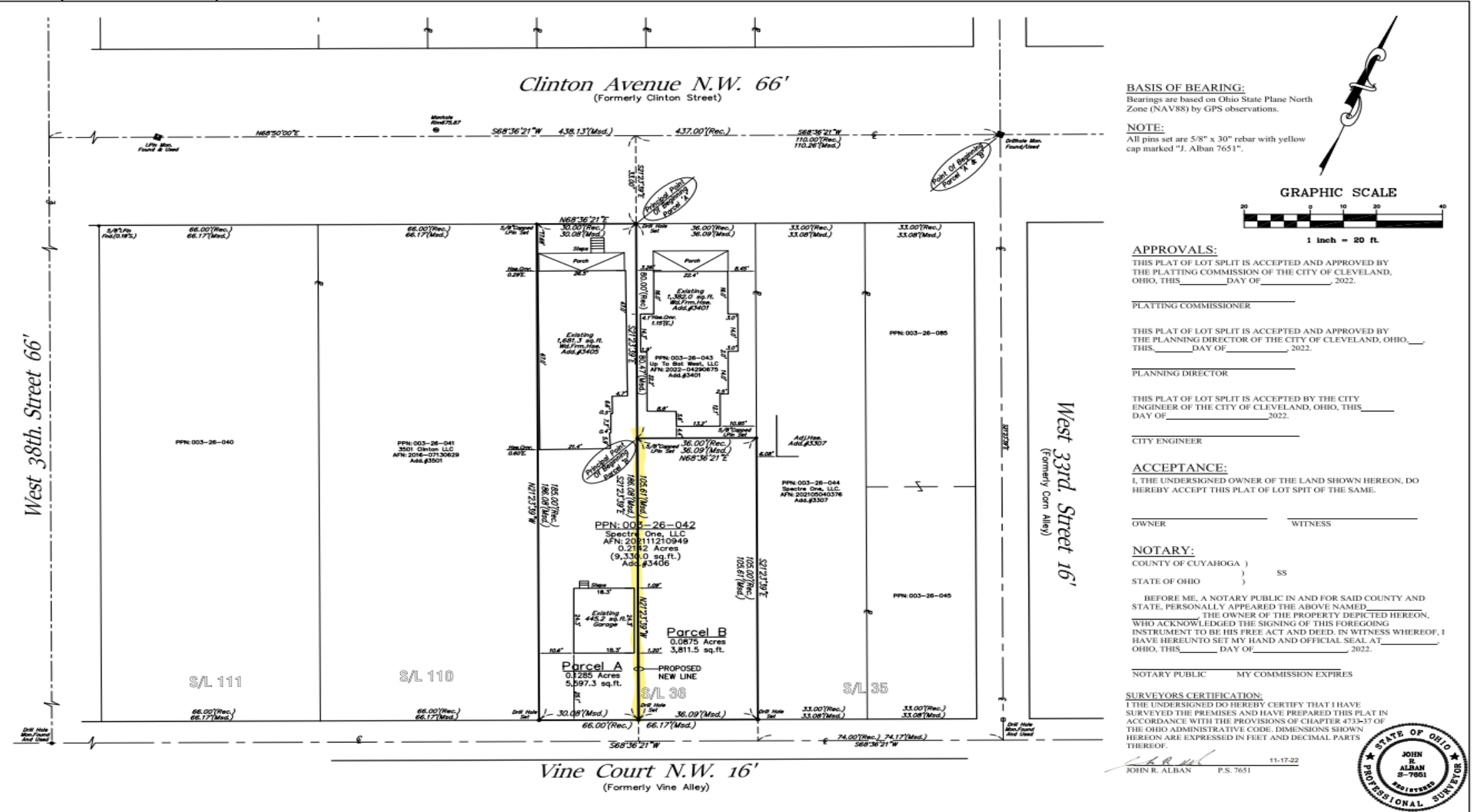
Land Record			
Record Number	1	Land Type	1
Legal Front	33	Legal Depth	99
Effective Front	33	Avg Depth	99
Lot Size (SqFt.)	3267	Acreage	0.075
Topography	LEVEL	Lot Shape	RECTANGULAR

003-26-072	JOHNSEN, ELISABETH & CRAWFORD, DAVID	1522 W 32 ST	CLEVELAND, OH. 44113
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Land Record			
Record Number	1	Land Type	1
Legal Front	25	Legal Depth	116
Effective Front	25	Avg Depth	116
Lot Size (SqFt.)	2900	Acreage	0.067
Topography	LEVEL	Lot Shape	RECTANGULAR

- 7 lots on the same block, all under 4800 square feet.
- Proposed lot would be 3780 square feet, larger than 6 below.
- Making a flag shaped lot into 2 rectangular parcels, making it similar to all below.

Proposed lot split...



PREPARED BY: ALBAN SURVEYING CO. Engineers and Surveyors 38052 Euclid Avenue, Suite 200 Willoughby, Ohio 44094 Phone: 440-946-0752	REV.	DESCRIPTION	BY	DATE	3405 Clinton Avenue - PPN:003-26-042 Lands Known As Being Part Of Sublot No.36, In The Taylor Farm Allotment, As Recorded In Vol.2, Pg.22 Of C.C.R., And Further Known As Being Part Of Original Brooklyn Township Lot Number 51, Now In The City Of Cleveland, County Of Cuyahoga In The State Of Ohio.	Plat of Lot Split Prepared For: Spectre One, LLC	DATE: Nov.10, 2022 SCALE: 1"= 20' FIELD M.H. DRAWN BY: G.S.V. CHKD.BY: J.R.A. SHEET 1 of 1



Vine Court

SITE PLAN

- Creating a better Vine Ct with 3 garages and driveways, along with landscaping.
- Single family would be on new parcel.
- Width gives enough room to keep 3'-5' setbacks for side yards.
- Garage on single-family to be Vine Court loaded and in line with all other townhouses, garages, houses on Vine.



Clinton Ave

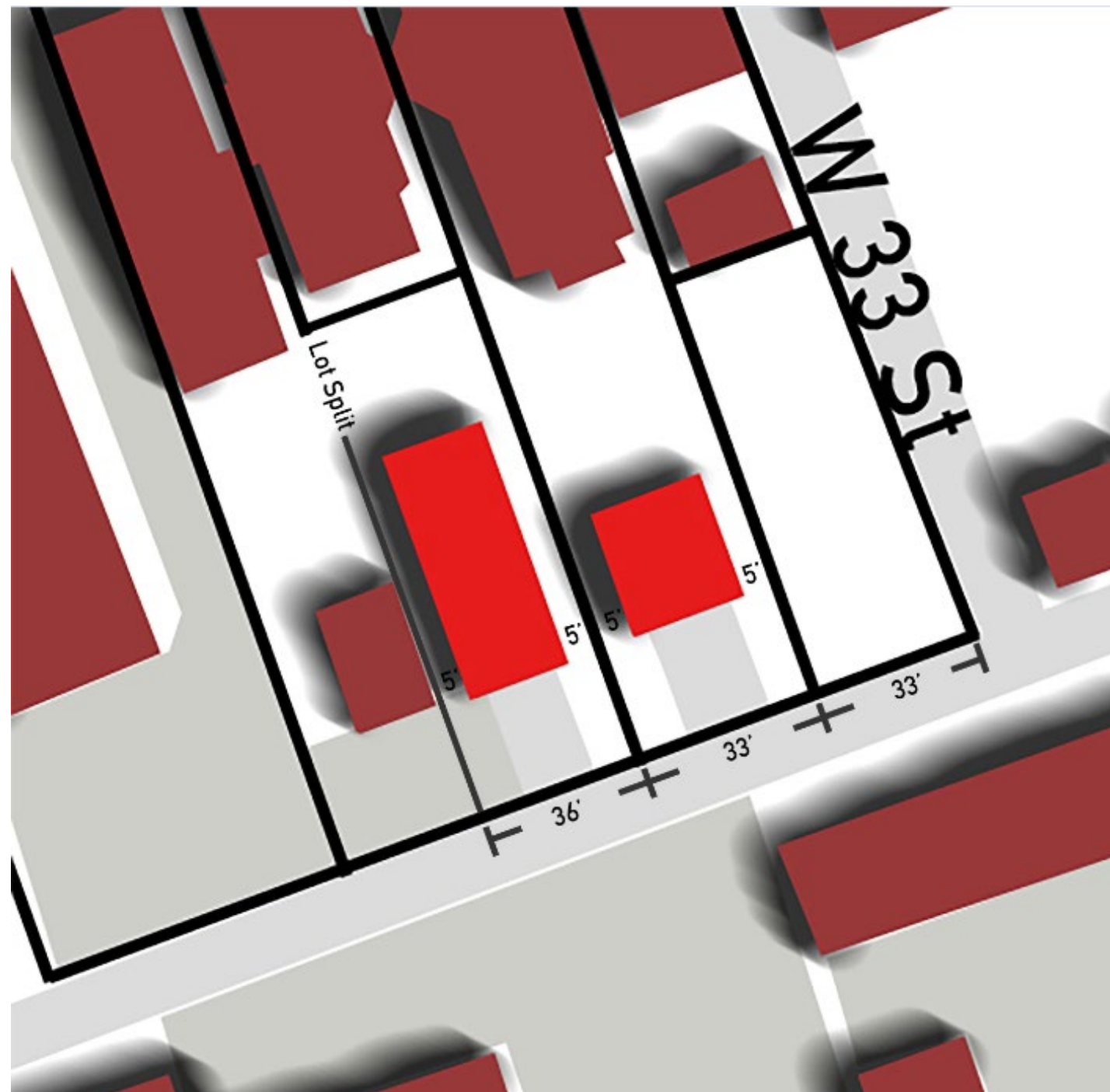


W 32 St

W 33 St

Vine Ct

Plyd







Street views...









**3405 Clinton Avenue
Lot Split**

**Board of Zoning Appeals
Calendar 23-102**

§ 309.26 Approval of Nonconforming Lots

In the case of an application to subdivide and/or consolidate land so as to create a lot or lots which do not meet minimum lot area or lot width requirements as established in the Zoning Code, the City Planning Commission may approve such an application if it determines that the resulting lots will be similar in area and width to lots which are common in the immediate vicinity and further determines that such lots can be developed in a manner which will not be detrimental to the public health, safety and welfare.

3405 Clinton Lot Split

Applicant Presentation

January 6, 2023

February 3, 2023

May 5, 2023

Planning Commission Action

Postponed

Rationale: Tabled until the Planning Commission sees a specific development plan.

Postponed

Rationale: Tabled to allow the neighborhood to fully vet the proposal as a Block Club meeting agenda item.

Approved

Rationale: The proposed lot split is similar in area and width to lots which are common in the immediate vicinity.

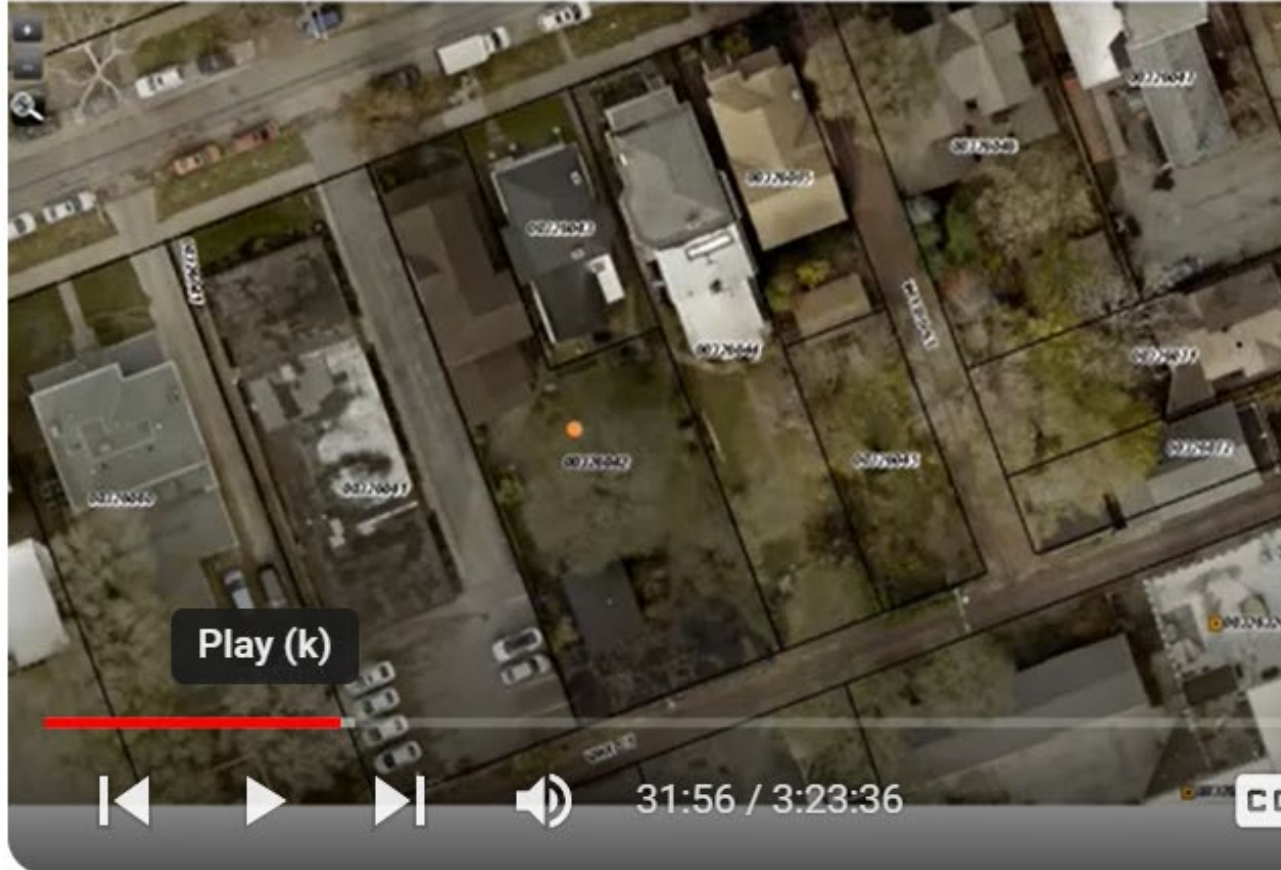


ly existing...
on Clinton Ave.

- Structure in backyard is a 2 car garage on Vine Court.
- Neighboring house to east at 3401 Clinton has no land...Subject 3405 Clinton lot is behind neighbor

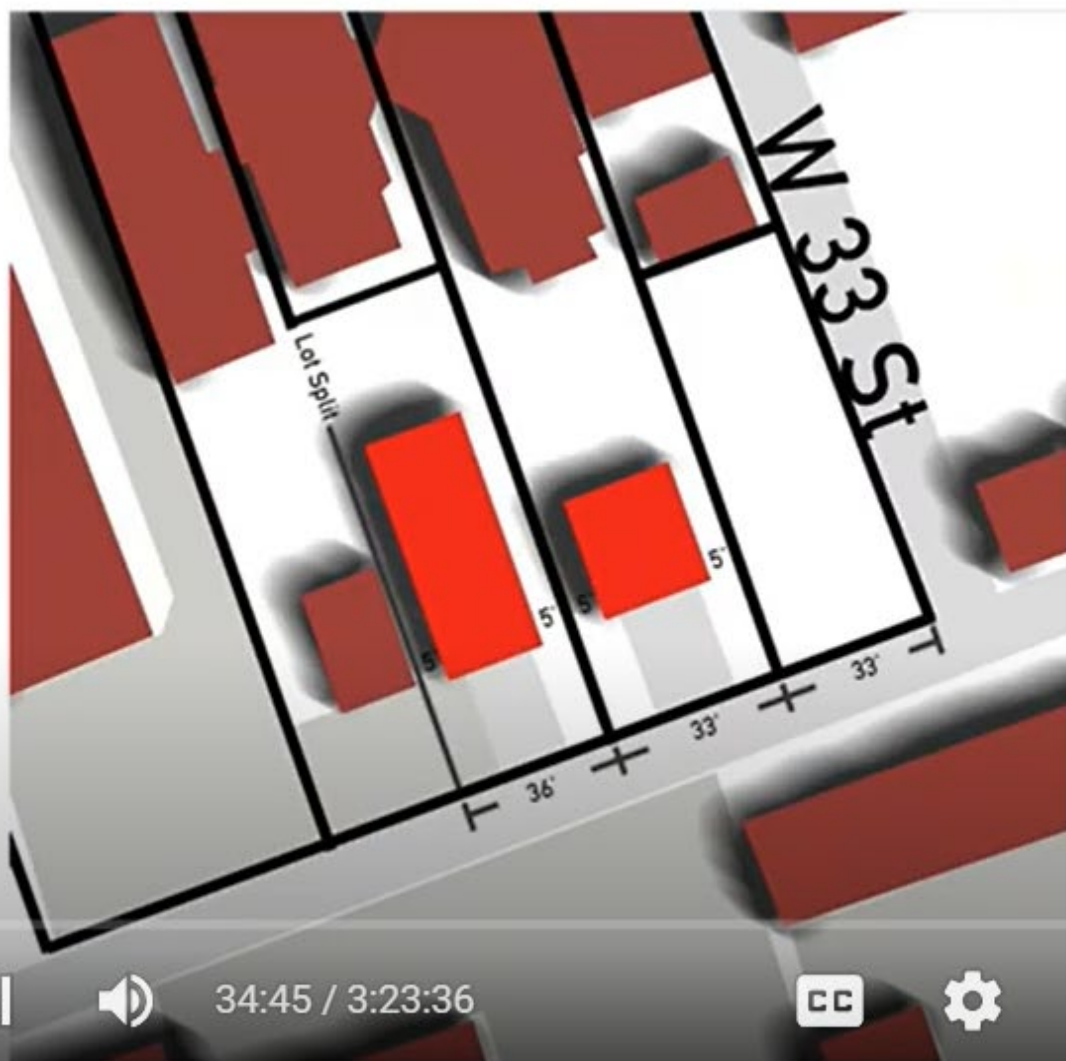


Dan McCarthy



City Planning Commission Meeting for May 5, 2023

Via webex
by CISCO



34:45 / 3:23:36



+34

City Planning Commission Meeting for May 5, 2023

Via webex

Clinton Ave

SITE PLAN

Anita Myerson

- Creating a better Vine Ct with 3 garages driveways, along with landscaping.
- Single family would be on new parcel.
- Width gives enough room to keep 3'-5' setbacks for side yards.
- Garage on single-family to be Vine Court loaded and in line with all other townhouses, garages, houses on Vine.

Play (k)

43:18 / 3:23:36

Vine Court

CC Settings Full Screen +38

City Planning Commission Meeting for May 5, 2023

§ 309.26 Approval of Nonconforming Lots

In the case of an application to subdivide and/or consolidate land so as to create a lot or lots which do not meet minimum lot area or lot width requirements as established in the Zoning Code, the City Planning Commission may approve such an application if it determines that the resulting lots will be similar in area and width to lots which are common in the immediate vicinity and further determines that such lots can be developed in a manner which will not be detrimental to the public health, safety and welfare.

Appellant

1. “Mr. McCarthy purchased 3405 Clinton as an investment property on August 6, 2019. He does not live in the City of Cleveland. The property has been vacant since that time.”

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Appellant

2. "He stated at the hearing that he now plans to sell the house located at 3405 Clinton."
3. "There is no reason that the area of the intended lot split could not be sold with 3405 Clinton when it is sold."
5. "It appears the purpose of the lot split is so that this lot can be retained after 3405 Clinton is sold for unknown use or sale."
6. "As a result, the Ohio City Inc. CDC, the Clinton Franklin Block Club, the neighbors and the councilman have opposed this lot split."

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Appellant

4. “Mr. McCarthy told the Planning Commission that he wanted the lot split so that a house could be built in the property behind the house at 3401 Clinton, backing up to Vine Court. He has provided only rough plans to the Planning Commission.”

8. “The lot that he wishes to split off along Vine Court was part of a beautiful yard for 3405 Clinton prior to the purchase of this property by Mr. McCarthy. There is a large tree that appears to be on the line where this lot split would occur. The former garden has not been maintained for 4 years and so has become unkempt and overgrown.”

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Appellant

7. “We live at 3305 Clinton Ave. Our property extends from Clinton to Vine Ct. The area of the lot split affects the use of our backyard, since we view it from our yard through the yard of 3307 Clinton.”

11. “Moreover, if construction of a house on this lot were to be permitted, it would affect the quiet enjoyment of our property at 3305 Clinton, the property at 3307 Clinton, the future residents of 3401 Clinton, and the future owners of 3405 Clinton.”

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Appellant

9. The house at 3401 Clinton, which fronts the area of the intended lot split was recently rehabbed by another individual and is currently for sale and has a sale pending. It is the back yard of this newly renovated historic home that the applicant wants to split off.

10. Mr. McCarthy also owns the property at 3307 Clinton, which is next to our property. It is currently a rental property. The Planning Commission may have been under the misimpression that he lives there.

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Appellant

“Accordingly, the applicant cannot meet the legal standard for a lot split, which is permitted, but not required, upon a finding that the property ‘can be developed in a manner which will not be detrimental to the public health, safety and welcome.’ Cleveland Ordinance 309.26. There is no evidence to support this requirement as it is speculative.”

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Conclusion

According to the standards for approving nonconforming lots, the Planning Commission was neither arbitrary nor capricious.

From: albert alquisola <albert.reiprop@gmail.com>

Sent: Tuesday, August 29, 2023 11:15 AM

To: McCarthy, Dan <DanMcCarthy@rocketmortgage.com>

Subject: Re: [External] Re: LOT SPLIT - 3405 Clinton Ave, Cleveland, OH

Hi,

I'm okay with the proposed lot split.

Albert

Cleveland Board of Zoning Appeals

Old Business



Public Hearing

Test



Cleveland Board of Zoning Appeals

Adjournment

